

ILLINOIS POLLUTION CONTROL BOARD  
February 4, 1993

COUNTY OF MADISON, )  
 )  
 Complainant, )  
 )  
 v. ) AC 92-76  
 ) (County Docket No. 92-02)  
 ) (Administrative Citation)  
 )  
 DUANE ARNOLD, )  
 )  
 Respondent. )

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COUNTY OF MADISON, )  
 )  
 Complainant, )  
 )  
 v. ) AC 92-80  
 ) (County Docket No. 92-03)  
 ) (Administrative Citation)  
 ) (consolidated)  
 LAKESIDE ROOFING COMPANY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. C. Marlin):

On February 2, 1993, the Board received a letter from the hearing officer dated January 29, 1993 forwarding documents which the parties had filed with the hearing officer but not with the Board. These included a January 26, 1992 motion to consolidate AC 92-76 and AC 92-80 filed by respondent Lakeside Roofing Co., and a January 27, 1992 letter from petitioner agreeing to the consolidation. The letter from the hearing officer indicated his intent to enter an order consolidating these cases at the time of hearing, scheduled for February 8, 1993.

The Board first notes that the procedural rules require that all motions be filed with the Board, whether they are directed to the Board or the hearing officer. 35 Ill. Adm. Code 101.241(a). The parties are directed to comply with this requirement in the future.

Secondly, although the procedural rules do not specify whether motions to consolidate will be handled by the Board or the hearing officer, the Board prefers to rule upon such motions itself in order to insure consistency of approach. The Board agrees with the parties and the hearing officer that these cases should be

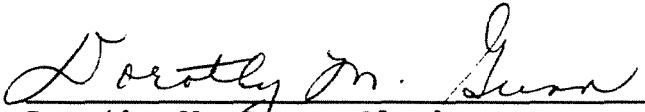
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consolidated since the respondent in AC 92-76, Duane Arnold, is one of Lakeside's employees, and both administrative citations are predicated on the same incident and set of facts, which occurred on September 8, 1992.

The motion to consolidate is hereby granted.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 4<sup>th</sup> day of February, 1993, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board