

ILLINOIS POLLUTION CONTROL BOARD
September 1, 1994

MONTGOMERY COUNTY, ILLINOIS,)	
)	
Complainant,)	
)	
v.)	AC 94-31
)	AC 94-47
)	(cons.)
)	(Administrative Citation)
ENVOTECH-ILLINOIS, INC.)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Theodore Meyer):

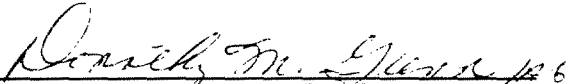
This matter is before the Board on an August 12, 1994 motion to consolidate, filed by respondent Envotech-Illinois, Inc. (Envotech). Envotech seeks to consolidate two administrative citation cases, docketed as AC 94-31 and AC 94-47. Complainant Montgomery County, Illinois, has not filed a response.

Envotech notes that AC 94-31 alleges two counts of "uncovered refuse" and two counts of "litter", while AC 94-47 alleges one count of "uncovered refuse". Envotech states that the claims arising from the two citations have common questions of law and fact, and that the same potential witnesses, including the landfill inspector, would testify in both cases. Envotech maintains that consolidating the two cases would save the Board, Montgomery County, and Envotech the expense and inconvenience of two separate hearings. Further, Envotech argues that hearing may reveal a pattern of "wrongful enforcement" against Envotech, so that it is necessary to have a single proceeding to reveal that pattern. Thus, Envotech asks the Board to consolidate these two citations for all purposes.

Envotech's motion is granted. Administrative citation cases AC 94-31 and AC 94-47 are consolidated for purposes of hearing and decision.

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 13th day of September, 1994, by a vote of 60.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board