

ILLINOIS POLLUTION CONTROL BOARD
October 24, 1985

NATIONAL MARINE SERVICE, INC.,)
)
 Petitioner,)
)
 v.) PCB 85-94
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

INTERIM ORDER OF THE BOARD (by W. J. Nega):

On October 9, 1985, National Marine Service, Inc. filed a Motion to Consolidate the Decisions in PCB 85-94 and PCB 85-108. The Petitioner stated that the Respondent "does not object to this motion".

In PCB 85-94, the Petitioner has appealed the Agency's denial of a permit for Pond #1 which is part of its waste treatment system and subject to various NPDES Permit requirements. The Petitioner has requested that the Board order the Agency to issue a permit for Pond #1, claiming that the material in Pond #1 is not volatile and that the pond is not subject to the 85% uncontrolled organic material reduction requirement of 35 Ill. Adm. Code 215.141(a).

In PCB 85-108, the Petitioner has appealed the Agency's denial of a permit for Boiler #1 which is located on a barge floating in the Mississippi River. The relief requested is a finding by the Board that Boiler #1 is exempted from the permit requirements under the exceptions delineated in 35 Ill. Adm. Code 201.146(c) and 35 Ill. Adm. Code 201.146(e).

These permit appeals involve two separate entities (i.e., Pond #1 and Boiler #1) and two separate permit applications. The issues involved and the relief requested differ in each case. Separate hearings have already been held and various briefs elaborating the respective positions of the parties have already been filed. Given the complexities of the issues involved in each case, consolidation at this stage of the proceedings might well result in unnecessary complications rather than in the desired simplicity. The Petitioner appears to be asking for a simultaneous decision in both cases. The Board will do its best to do so.

Accordingly, the Petitioner's October 9, 1985 motion to consolidate is hereby denied.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 27th day of October, 1985 by vote of 7-4.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board