

ILLINOIS POLLUTION CONTROL BOARD
March 2, 1978

ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 77-346
)	
OWENS-ILLINOIS, INC.,)	
)	
Respondent.)	
)	
- and -)	
)	
OWENS-ILLINOIS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 77-288
)	<u>CONSOLIDATED</u>
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by Mr. Goodman):


On February 1, 1978, Owens-Illinois, Inc., filed a Motion seeking consolidation of PCB 77-288, a permit denial appeal, with PCB 77-346, an enforcement case. On February 6, 1978, the Agency filed a Response in Opposition to the Motion to Consolidate. The Board finds that the interest of expeditious, convenient and complete determination of claims will best be served by consolidation of these cases. The Board notes that consolidation does not broaden the scope of review in the permit denial appeal nor does it create issues not properly before the Board in the enforcement case.

Counsel for Owens-Illinois has represented orally that Owens-Illinois will file an open waiver of the 90-day rule which would otherwise apply in PCB 77-288. Based upon that representation, the Board hereby grants Owens-Illinois' motion to consolidate PCB 77-346 with PCB 77-288.

The Agency on February 6, 1978, filed a Motion to Stay the proceedings in PCB 77-346 pending decision in PCB 77-288. However, having consolidated these two cases, the Board finds the Motion for Stay to be moot. The Motion for Stay is hereby dismissed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 2nd day of March, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board