

ILLINOIS POLLUTION CONTROL BOARD  
January 5, 2012

EVERGREEN FS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 11-51
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondents.	)	
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EVERGREEN FS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 12-61
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	(consold.)
PROTECTION AGENCY,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by D. Glosser):

On December 20, 2011, petitioner filed a motion consolidate these two underground storage tank appeals for the purposes of hearing. In the motion petitioner indicates that respondent does not object to the motion. *See* Mot. at 2. Petitioner argues that while the two different requests for payment with two separate denials, the two cases are similar. Further, Petitioner states:

two appeals relate to the same or very similar legal and factual issues, consolidation would be in the interest of a convenient, expeditious, and complete determination of the disputes. In particular, having one hearing and one briefing schedule would avoid duplicative efforts and avoid any potential inconsistencies. Mot. at 2.

The Board notes that a waiver has been submitted in both cases, making the current statutory decision deadline June 21, 2012. Further, both cases are scheduled for hearing on February 15, 2012. Therefore, the Board grants the motion and consolidates these two cases for purposes of hearing only.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order January 5, 2012, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board