

ILLINOIS POLLUTION CONTROL BOARD
July 11, 2002

REZMAR CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 02-91
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	PCB 02-116
PROTECTION AGENCY,)	(UST Appeal)
)	(Consolidated)
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

This matter is before the Board on a June 13, 2002 motion to consolidate proceedings. On April 8, 2002, Rezmar Corporation (Rezmar) filed a petition for review of an Illinois Environmental Protection Agency (Agency) decision dated December 3, 2001. The Agency decision concerns corrective action costs relating to underground storage tanks (USTs) located at 850 North Ogden Avenue, Chicago, Cook County. The Board accepted the petition for hearing on April 18, 2002, and docketed the matter as PCB 02-91.

On May 21, 2002, Rezmar filed a petition for review of a separate Agency decision dated January 16, 2002. The second Agency decision also involves corrective action costs relating to the USTs located at 850 North Ogden Avenue. On June 6, 2002, the Board accepted the second petition for hearing, and docketed the matter as PCB 02-116.

In the motion to consolidate, Rezmar asserts that the Agency decisions of December 2, 2001 and January 16, 2002 were issued in connection with the same facility and LUST Incident Number. Mot. at 2.¹ Rezmar contends the decisions were made on two separate reimbursement packages, and involve substantially similar subject matter. *Id.*

Rezmar asserts that a consolidation of the two petitions will result in a more expeditious use of administrative resources, and will not cause material prejudice to either party. To date, the Agency has not filed a response to the motion to consolidate. Pursuant to Section 101.500(d) of the Board's procedural rules, if a party fails to file a response within 14 days after service of a motion, the party is deemed to have waived objection to the granting of the motion. See 35 Ill. Adm. Code 101.500(d).

The Board will consolidate proceedings if consolidation is in the interest of convenient, expeditious and complete determination of claims, and if the consolidation would not cause

¹ Rezmar's June 13, 2001 motion to consolidate will be referred to as "Mot. at ___."

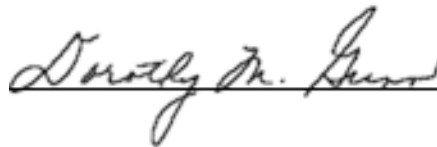
material prejudice to any party. 35 Ill. Adm. Code 101.406.

The Board finds that consolidation of PCB 02-91 and PCB 02-116 will not materially prejudice any party, and will assist in the expeditious and complete determination of the claims before us. As reflected in the caption, the Board grants Rezmar's motion to consolidate. The Board makes no determination as to whether these cases will be consolidated for purposes of final decision.

IT IS SO ORDERED.

Board Member N.J. Melas abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 11, 2002, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board