

ILLINOIS POLLUTION CONTROL BOARD
October 16, 2014

ROXANA LANDFILL, INC.,)
)
Petitioner,)
)
v.) PCB 15-65
) (Third-Party Pollution Control Facility
VILLAGE BOARD OF THE VILLAGE OF) Siting Appeal)
CASEYVILLE, ILLINOIS; VILLAGE OF)
CASEYVILLE, ILLINOIS; and)
CASEYVILLE TRANSFER STATION,)
L.L.C.,)
)
Respondents.)

VILLAGE OF FAIRMONT CITY, ILLINOIS,)
)
Petitioner,)
)
v.) PCB 15-69
) (Third-Party Pollution Control Facility
VILLAGE OF CASEYVILLE, ILLINOIS,) Siting Appeal)
BOARD OF TRUSTEES and CASEYVILLE) (Consolidated)
TRANSFER STATION, L.L.C.,)
)
Respondents.)

ORDER OF THE BOARD (by J.A. Burke):

The Village Board of the Village of Caseyville (Village) granted a Caseyville Transfer Station, L.L.C. (Station) application to site a municipal solid waste transfer station on approximately five acres to be located at the Southwest corner of the intersection of Bunkum Road and the Harding Ditch in Caseyville, St. Clair County. *See* 415 ILCS 5/40.1(b) (2012); 35 Ill. Adm. Code 101.300(b), 107.204. On September 8, 2014, Roxana Landfill, Inc. (Roxana) filed a petition asking the Board to review that August 6, 2014 decision of the Village. Also on September 8, 2014, the Village of Fairmont City (Fairmont City) filed a petition asking the Board to review the same Village decision. The Board accepted both petitions for hearing on September 18, 2014.

On September 19, 2014, Roxana and Fairmont City (petitioners) filed a joint motion to consolidate (Mot.) these cases. Petitioners state that both cases arise out of the same Section 39.2 site location approval and that both petitioners participated in the Section 39.2 proceedings before the Village concerning the Station's application for site location approval. Mot. at 1; *see*

415 ILCS 5/39.2 (2012). Petitioners contend that both petitions raise many of the same issues and that the two petitions “will involve similar discovery, witnesses, and material facts.” *Id.* at 2. Consolidation therefore will result in “convenience (with witnesses, for example, testifying at one deposition or hearing, rather than two), and the expeditious and complete determination of claims (scheduling, for example, of duplicate discovery and hearings, will be greatly duplicative and delay the determination of claims).” *Id.* Petitioners contend that consolidation will not materially prejudice any party. *Id.*

At a September 30, 2014 status conference conducted by the Board’s hearing officer, the respondents in both cases stated that they did not plan to file responses to the joint motion to consolidate, and that they agreed with the motion. *See, e.g., Roxana Landfill, Inc. v. Village Board of the Village of Caseyville, Illinois, et al.*, PCB 15-65, Hearing Officer Order (Sept. 30, 2014).

The Board has previously consolidated multiple third-party permit appeals concerning a single site. *See, e.g., Prairie Rivers Network and Sierra Club v. IEPA and Prairie State Generating Co., LLC; American Bottom Conservancy and Dale Wojtkowski v. IEPA and Prairie State Generating Co., LLC*, PCB 06-124, 06-127 (Jan. 19, 2006). The Board believes that “consolidation is in the interest of convenient, expeditious, and complete determination” of the claims. 35 Ill. Adm. Code 101.406. The Board therefore grants the petitioners’ joint motion to consolidate, and consolidates these two proceedings for hearing.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 16, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board