

ILLINOIS POLLUTION CONTROL BOARD
January 22, 2015

CLINTON LANDFILL, INC.)	
)	
Petitioner,)	
)	
v.)	PCB 15-60
)	PCB 15-76
ILLINOIS ENVIRONMENTAL)	PCB 15-111
PROTECTION AGENCY,)	PCB 15-113
)	(Permit Appeal - Land)
Respondent.)	(Consolidated)

ORDER OF THE BOARD (by C.K. Zalewski):

On August 28, 2014 and October 7, 2014, Clinton Landfill, Inc. (CLI) timely filed Petitions for Review of permit determinations made by the Illinois Environmental Protection Agency (Agency) on July 31, 2014 and September 17, 2014. The Board accepted those petitions for review in orders dated September 4, 2014 and October 16, 2014 and consolidated the cases in a Board order dated November 20, 2014.

On December 18, 2014 and December 19, 2014, CLI timely filed Petitions for Review of similar permit determinations made by the Agency on November 26, 2014 and December 16, 2014. The Board accepted those petitions for review in orders dated January 8, 2015. On January 6, 2015, the parties filed joint motions to consolidate (Mot.) in Clinton Landfill, Inc. v. IEPA, PCB 15-111 and Clinton Landfill, Inc. v. IEPA, PCB 15-113 asking the Board to consolidate the review of the Agency's November 26, 2014 and December 16, 2014 determinations with CLI's prior filings, docketed as Clinton Landfill, Inc. v. IEPA, PCB 15-60, 15-76 (consol.). See 415 ILCS 5/40(a)(1) (2012); 35 Ill. Adm. Code 101.300(b), 105.206. In the joint motion, the parties state that "precisely the same issues are being reviewed in these cases." Mot. at 3. In today's order, the Board consolidates the petitions for review.

The Board's procedural rules allow for consolidating proceedings. Section 101.406 of those rules provides:

The Board, upon the motion of any party or upon its own motion, may consolidate two or more proceedings for the purpose of hearing or decision or both. The Board will consolidate the proceedings if consolidation is in the interest of convenient, expeditious, and complete determination of claims, and if consolidation would not cause material prejudice to any party. The Board will not consolidate proceedings where the burdens of proof vary. 35 Ill. Adm. Code. 101.406.

The parties are the same in PCB 15-60, 15-76 (consol.), PCB 15-111, and PCB 15-113. The cases are permit appeals challenging permit determinations made by the Agency and are

regarding CLI's permit for its Clinton, DeWitt County site. Further, the cases all concern the same provisions of CLI's permit, modified in Permit Modification No. 47 to Permit No. 2005-070-LF, but reiterated in Permit Modification No. 48, Permit Modification No. 49, and Permit Modification No. 50. The Board also notes that the cases share a decision deadline of May 21, 2015 and no apparent prejudice to either party would result from consolidation.

For the reasons stated above, the Board finds that consolidating the permit appeals for purposes of hearing is in the interest of convenient, expeditious, and complete determinations of the claims. The Board also finds that such consolidation would not cause material prejudice to either party, and therefore the Board grants the parties' joint motion to consolidate PCB 15-111 and PCB 15-113 with the already consolidated PCB 15-60 and PCB 15-76 for hearing and decision. Future filings must reflect the amended caption of this order. The Board notes that CLI's motion to withdraw its September 22, 2014 motion for order regarding stay in Clinton Landfill, Inc. v. IEPA, PCB 15-60, was granted in a Board order dated October 2, 2014. Therefore, no motion for stay is pending in this consolidated docket.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 22, 2015 by a vote of 4 to 0.



John T. Therriault, Clerk
Illinois Pollution Control Board