

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLINTON LANDFILL, INC.,)	
)	
Petitioner,)	PCB 2016-059
)	
v.)	(Permit Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

TO: All Parties of Record

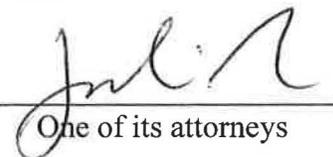
PLEASE TAKE NOTICE that on October 28, 2015, I filed the following documents electronically with the Clerk of the Pollution Control Board of the State of Illinois:

1. Joint Motion to Consolidate PCB 2016-059 into PCB 2015-060, PCB 2015-076, PCB 2015-111, PCB 2015-113, PCB 2015-166, PCB 2015-194, PCB 2015-195, PCB 2015-207, and PCB 2016-034, and to Designate the Record regarding PCB 2016-059; and
2. This Notice of Electronic Filing

Copies of the above-listed documents were served upon you in the manner stated in the Certificate of Service attached hereto.

Respectfully submitted,

CLINTON LANDFILL, INC.,
Petitioner

By: 
One of its attorneys

Brian J. Meginnis, Esq. (bmeginnis@emrslaw.com)
Janaki Nair, Esq. (jnair@emrslaw.com)
Elias, Meginnis & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602
Telephone: (309) 637-6000
Facsimile: (309) 637-8514
915-1024

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLINTON LANDFILL, INC.,)	
)	
Petitioner,)	PCB 2016-059
)	(Permit Appeal)
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

**JOINT MOTION TO CONSOLIDATE PCB 2016-059 INTO PCB 2015-060,
PCB 2015-076, PCB 2015-111, PCB 2015-113, PCB 2015-166, PCB 2015-194,
PCB 2015-195, PCB 2015-207, and PCB 2016-034, AND TO DESIGNATE
RECORD REGARDING PCB 2016-059**

NOW COME the Petitioner, CLINTON LANDFILL, INC. ("CLI"), and the Respondent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (the "Agency"), by and through their undersigned attorneys, and as and for their Joint Motion to Consolidate PCB 2016-059 into PCB 2015-060, PCB 2015-076, PCB 2015-111, PCB 2015-113, PCB 2015-166, PCB 2015-194, PCB 2015-195, PCB 2015-207, and PCB 2016-034 (cons.), and their Joint Motion to Designate the Record regarding PCB 2016-059, state as follows:

Motion to Consolidate

1. On August 28, 2014, CLI filed a Petition for Review of Modification No. 47 to Permit No. 2005-070-LF, which was issued by the Agency on July 31, 2014, with the Pollution Control Board (the "Board"). The case was docketed as PCB 2015-060.
2. During the pendency of PCB 2015-060, the Agency issued a number of subsequent modifications to Permit No. 2005-070-LF, each of which incorporated the changes made in Modification No. 47 that were (and are) on appeal in PCB 2015-060.

3. CLI has filed for review of each subsequent modification to Permit No. 2005-070-LF, but *only* as to the changes that were made in Modification No. 47 (at issue in PCB 2015-060). These cases have been assigned the following docket numbers:

- PCB 2015-076 (Modification No. 48)
- PCB 2015-111 (Modification No. 49)
- PCB 2015-113 (Modification No. 50)
- PCB 2015-166 (Modification No. 51)
- PCB 2015-194 (Modification No. 52)
- PCB 2015-195 (Modification No. 53)
- PCB 2015-207 (Modification No. 54)
- PCB 2016-034 (Modification No. 55)
- PCB 2016-059 (Modification No. 56) (this case)

4. To date, the following cases have been consolidated into PCB 2015-060: PCB 2015-076, PCB 2015-111, PCB 2015-113, PCB 2015-166, PCB 2015-194, PCB 2015-195, PCB 2015-207, and PCB 2016-034 (collectively, the “Consolidated Case”). In this Motion, CLI and the Agency seek to consolidate PCB 2016-059 into the Consolidated Case.

5. Section 101.406 of the Board’s regulations provides as follows regarding consolidation of claims:

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. Admin. Code §101.406.

6. CLI and the Agency submit that it is in the interest of convenient, expeditious, and complete determination of claims for the instant case and the Consolidated Case to be further consolidated, as precisely the same issues are being reviewed in these cases. The requested consolidation would not cause material prejudice to any party.

Motion to Designate the Record

7. Assuming that the Motion to Consolidate above is granted, CLI and the Agency have agreed that the Administrative Record filed in PCB 2015-060, as supplemented to date and in the future, should stand as the Administrative Record relative to the instant case, with one addition: the Administrative Record should be supplemented by the Agency to include Modification No. 56 itself (the cover letter and the actual document).

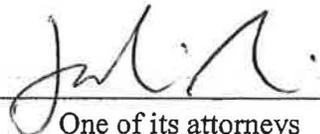
8. CLI and the Agency reserve the right to seek additional supplements to the Administrative Record as these cases proceed.

WHEREFORE, CLI and the Agency jointly request that the Board or the Hearing Officer enter an Order (1) providing that the instant case should be consolidated with the Consolidated Case, and (2) providing that the Administrative Record filed in PCB 2015-060, as supplemented to date and in the future, will stand as the Administrative Record relative to the instant case, except that the Agency will supplement the Administrative Record with Modification No. 56 itself (the cover letter and the actual document).

[signatures follow]

Respectfully submitted,

CLINTON LANDFILL, INC.,
Petitioner

By: 

One of its attorneys

Brian J. Meginnes, Esq.
Janaki Nair, Esq.
Elias, Meginnes & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602
Telephone: (309) 637-6000
Facsimile: (309) 637-8514
Emails: bmeginnes@emrslaw.com
jnair@emrslaw.com

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,
Respondent

By: 

One of its attorneys

Jennifer A. Van Wie, Assistant Attorney General
Stephen Sylvester, Assistant Attorney General
Illinois Attorney General's Office
Environmental Bureau
69 W. Washington St., Suite 1800
Chicago, Illinois 60602
Emails: jvanwie@atg.state.il.us
ssylvester@atg.state.il.us

CERTIFICATE OF SERVICE

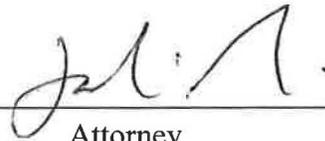
The undersigned certifies that on October 28, 2015, the foregoing document will be served upon each party to this case in the following manner:

X VIA EMAIL ONLY

Jennifer A. VanWie, Esq., Assistant Attorney General
Stephen Sylvester, Esq., Assistant Attorney General
Environmental Bureau
69 W. Washington St., Suite 1800
Chicago, Illinois 60602
Emails: jvanwie@atg.state.il.us
ssylvester@atg.state.il.us

Matthew J. Dunn
Division Chief, Environmental Enforcement and Asbestos
Litigation Division
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706
Email: mdunn@atg.state.il.us

Hearing Officer Carol Webb
VIA EMAIL ONLY: Carol.Webb@illinois.gov

By: 
Attorney

Brian J. Meginnes, Esq. (bmeginnes@emrslaw.com)
Janaki Nair, Esq. (jnair@emrslaw.com)
Elias, Meginnes & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602
Telephone: (309) 637-6000
Facsimile: (309) 637-8514