

ILLINOIS POLLUTION CONTROL BOARD

February 2, 2006

PRAIRIE RIVERS NETWORK and SIERRA CLUB,	)	
	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 06-124
	)	(Third-Party NPDES Permit Appeal -
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY and PRAIRIE STATE GENERATING COMPANY, LLC,	)	Water)
	)	
	)	
Respondents.	)	
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AMERICAN BOTTOM CONSERVANCY and DALE WOJTKOWSKI,	)	
	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 06-127
	)	(Third-Party NPDES Permit Appeal -
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY and PRAIRIE STATE GENERATING COMPANY, LLC,	)	Water)
	)	(Consolidated)
	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by A.S. Moore):

On January 30, 2006, respondent Prairie State Generating Company, LLC (Prairie State) filed a motion (Mot.) seeking leave for W.C. Blanton and Alison Nelson to appear *pro hac vice* on its behalf and represent its interests in this matter. Mot. at 3; *see* 35 Ill. Adm. Code 101.400(a)(3).

Prairie State's motion states that Mr. Blanton is a current member in good standing of the Bars of the States of Missouri, Minnesota and Indiana and that he is a partner in the Kansas City, Missouri office of Blackwell Sanders Peper Martin LLP. Mot. at 2. The motion further states that Mr. Blanton has previously appeared *pro hac vice* before the Board and is now appearing on that basis before the Board in PCB 99-134, People of the State of Illinois v. Peabody Coal Company, LLC. Mot. at 2.

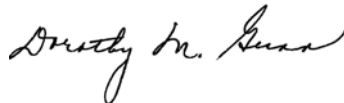
Prairie State's motion also states that Ms. Nelson is a current member in good standing of the Bar of the State of Missouri and that she is an associate in the St. Louis, Missouri office of Blackwell Sanders Peper Martin LLP. Mot. at 2.

The Board's procedural rules provide that "[a]ttorneys who are licensed to practice in a state other than Illinois and who are not licensed and registered to practice in the State of Illinois may request to appear *pro hac vice* on a particular matter on a motion filed with the Board." 35 Ill. Adm. Code 101.400(a)(3). The Board's procedural rules also generally provide a 14-day period in which a party may respond to a motion. 35 Ill. Adm. Code 101.500(d). Specifically, "[u]nless undue delay or material prejudice would result, neither the Board nor the hearing officer will grant any motion before expiration of the 14 day response period except in deadline driven proceedings where no waiver has been filed." *Id.*

In its order accepting these petitions for hearing, the Board noted that only Prairie State as the permit applicant may extend the decision deadline by waiver. *See McHenry County Defenders, Inc. v. IEPA*, PCB 98-173, slip op. at 4-5 (Aug. 6, 1998); 35 Ill. Adm. Code 101.308. The Board further noted in that order that the current decision deadline in this consolidated proceeding is May 6, 2006. *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before that deadline is scheduled to take place Thursday, May 4, 2006. To date, the Board has received no waiver of the decision deadline from Prairie State. In order to meet its statutory decision deadline and avoid undue delay, the Board grants Prairie State's motion and grants Mr. Blanton and Ms. Nelson leave to appear *pro hac vice* on its behalf in this matter.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 2, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board