

ILLINOIS POLLUTION CONTROL BOARD
November 20, 2014

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

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. With its October 7 petition for review, CLI included a Motion to Consolidate (Mot.) asking the Board to consolidate the review of the Agency's September 17th decision with CLI's prior filing, docketed as Clinton Landfill, Inc. v. IEPA, PCB 15-60. *See* 415 ILCS 5/40(a)(1) (2012); 35 Ill. Adm. Code 101.300(b), 105.206. In its motion, CLI states that "precisely the same issues are being reviewed in the two cases." Mot. at 5. 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 and PCB 15-76. The cases are both permit appeals challenging permit determinations made by the Agency and are regarding CLI's permit for its Clinton, DeWitt County site. Further, both cases concern the same provisions of CLI's permit, first modified in Permit Modification No. 47 to Permit No. 2005-070-LF, but reiterated in Permit Modification No. 48 to the same permit. The Board also notes that the cases share a decision deadline of March 19, 2015 and no apparent prejudice to either party would result from consolidation. Finally, during a telephone status conference on October 21, 2014, respondent indicated that it does not oppose the motion to consolidate the cases and has no plans to file a response. Hearing Officer Order (Oct. 21, 2014).

For the reasons stated above, the Board finds that consolidating the two 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 CLI's motion to consolidate PCB 15-60 and PCB 15-76 for hearing and decision. Future filings must reflect the amended caption of this order.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 20, 2014 by a vote of 4 to 0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John T. Therriault, Clerk
Illinois Pollution Control Board