

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLINTON LANDFILL, INC.,	)	
	)	
Petitioner,	)	PCB 2015-060
	)	PCB 2015-076
v.	)	(Permit Appeals)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF ELECTRONIC FILING**

TO: All Parties of Record

PLEASE TAKE NOTICE that on December 3, 2014, I filed the following documents electronically with the Clerk of the Pollution Control Board of the State of Illinois:

1. Joint Motion to Designate the Record regarding PCB 2015-076; 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:  \_\_\_\_\_

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914-1233

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Petitioner,	)	PCB 2015-060
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ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**JOINT MOTION TO DESIGNATE RECORD REGARDING PCB 2015-076**

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 Designate the Record regarding PCB 2015-076, state as follows:

1. CLI filed its Petition for Review in PCB 2015-060 on August 28, 2014, requesting that the Pollution Control Board (the "Board") review Modification No. 47 to Permit No. 2005-070-LF, which modification was issued by the Agency on July 31, 2014 ("Modification No. 47"). The Board accepted the Petition for hearing in its Order entered on September 4, 2014.

2. During the pendency of this case, on September 18, 2014, the Agency issued Modification No. 48 to Permit No. 2005-070-LF, at CLI's request ("Modification No. 48"). Modification No. 48 includes the entire text of Permit No. 2005-070-LF, as amended since its initial issuance, including the changes made in Modification No. 47 that were (and are) on appeal in PCB 2015-060.

3. On October 7, 2014, CLI filed its Petition for Review in PCB 2015-076, requesting that the Board review Modification No. 48, but *only* as to the changes that were made in Modification No. 47 (which were incorporated into Modification No. 48). As part of its Petition for Review in PCB 2015-076, CLI moved to consolidate PCB 2015-060 and PCB 2015-076. The Board accepted the Petition for hearing in its Order entered on October 16, 2014, but reserved ruling on the motion to consolidate to permit the Agency an opportunity to respond.

4. On October 20, 2014, the Agency filed an electronic copy of the Administrative Record for Modification No. 47 in PCB 2015-060, following up with a hard copy of the Administrative Record on October 28, 2014. The Agency is in the process of further supplementing the Administrative Record filed in PCB 2015-060. The Administrative Record filed in PCB 2015-060 to date is 15,868 pages.

5. On November 20, 2014, the Board consolidated PCB 2015-060 and PCB 2015-076, based on the following findings:

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).

(Board Order entered November 20, 2014).

6. Even before the consolidation of PCB 2015-060 and PCB 2015-076, CLI and the Agency agreed that there was no need for the Agency to file in PCB 2015-076, a duplicate of the

Administrative Record filed in PCB 2015-060. (See Hearing Officer Order entered October 21, 2014, in PCB 2015-076).

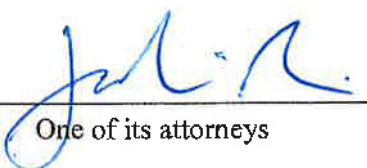
7. CLI and the Agency have agreed that the Administrative Record filed in PCB 2015-060, as supplemented to date and in the future, should stand as the Administrative Record relative to PCB 2015-076, with one addition: the Administrative Record should be supplemented by the Agency to include Modification No. 48 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 stating 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 PCB 2015-076, except that the Agency will supplement the Administrative Record with Modification No. 48 itself (the cover letter and the actual document).

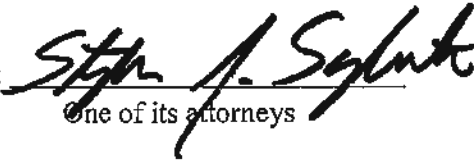
Respectfully submitted,

CLINTON LANDFILL, INC.,  
Petitioner

By:   
One of its attorneys

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ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY,  
Respondent

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914-1212

**CERTIFICATE OF SERVICE**

The undersigned certifies that on December 3, 2014, the foregoing document will be served upon each party to this case in the following manner:

X VIA EMAIL with confirmation by United States Mail

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