

ILLINOIS POLLUTION CONTROL BOARD
November 19, 2015

WILL COUNTY,)
)
Petitioner,)
)
v.) PCB 16-54
) (Third-Party Pollution Control Facility
VILLAGE OF ROCKDALE, BOARD OF) Siting Appeal)
TRUSTEES OF VILLAGE OF ROCKDALE)
and ENVIRONMENTAL RECYCLING AND)
DISPOSAL SERVICES, INC.,)
)
Respondents.)

WASTE MANAGEMENT OF ILLINOIS,)
INC.,)
)
Petitioner,)
)
v.) PCB 16-56
) (Third-Party Pollution Control Facility
VILLAGE OF ROCKDALE, BOARD OF) Siting Appeal)
TRUSTEES OF VILLAGE OF ROCKDALE) (Consolidated)
and ENVIRONMENTAL RECYCLING AND)
DISPOSAL SERVICES, INC.,)
)
Respondents.)

ORDER OF THE BOARD (by D. Glosser):

On October 6, 2015, Will County timely filed a petition asking the Board to review a September 3, 2015, decision of Village of Rockdale (Village). On October 7, 2015, Waste Management of Illinois (WMI) timely filed a petition asking the Board to review the Village's decision. The Village granted Environmental Recycling and Disposal Services, Inc. (ERDS) application to site a pollution control facility at 2277 Moen Avenue in Rockdale, Will County. On October 25, 2015, the Board accepted both petitions for review.

On October 30, 2015, ERDS filed a motion in both cases seeking to consolidate the two appeals. The ERDS argues that the two cases are substantially similar and raise "essentially the same issues". Mot. at 2. The ERDS argues that judicial and administrative economy supports the consolidation of the two cases. *Id.*

On November 3, 2015, Will County filed a response indicating that it has no objection to the consolidation. On November 4, 2015, the Village and WMI both filed responses to the motions to consolidate, indicating neither objected to the consolidation of the proceedings.

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 both cases and both petitioners seek third-party review of a decision by the Village regarding the siting of a pollution control facility. In addition, the burden of proof is the same in both cases and the waivers filed on October 22, 2015, extends the decision deadline in both cases to March 18, 2016.

For the reasons stated above, the Board finds that consolidating the siting 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 the cases for hearing and decision. Future filings must reflect the amended caption of this order.

IT IS SO ORDERED.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 19, 2015, by a vote of 5 to 0.



Don A. Brown, Assistant Clerk
Illinois Pollution Control Board