

ILLINOIS POLLUTION CONTROL BOARD  
March 6, 2014

PRAIRIE RIVERS NETWORK,	)	
NATURAL RESOURCES DEFENSE	)	
COUNCIL, SIERRA CLUB,	)	
ENVIRONMENTAL LAW & POLICY	)	
CENTER, FRIENDS OF THE CHICAGO	)	
RIVER, and GULF RESTORATION	)	
NETWORK,	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 14-106
	)	(O'Brien)
ILLINOIS ENVIRONMENTAL	)	PCB 14-107
PROTECTION AGENCY and	)	(Calumet)
METROPOLITAN WATER	)	PCB 14-108
RECLAMATION DISTRICT OF	)	(Stickney)
GREATER CHICAGO,	)	(Third-Party NPDES Permit Appeals -
	)	Water)
Respondents.	)	(Consolidated)

ORDER OF THE BOARD (by J.A. Burke):

On January 27, 2014, Prairie Rivers Network, Natural Resources Defense Council, Sierra Club, Environmental Law & Policy Center, Friends of the Chicago River, and Gulf Restoration Network (collectively, petitioners) timely filed three petitions asking the Board to review three separate December 23, 2013 determinations of the Illinois Environmental Protection Agency (Agency or IEPA). *See* 415 ILCS 5/40(e)(1) (2012); 35 Ill. Adm. Code 101.300(b), 105.204(b). Each petition relates to the Agency's issuance of a National Pollutant Discharge Elimination System permit to the Metropolitan Water Reclamation District of Greater Chicago for three separate facilities in Cook County. The Board accepted all three petitions for hearing on February 6, 2014.

On February 14, 2014, the Agency filed identical agreed motions to consolidate the permit appeals in each of the cases.<sup>1</sup> The Agency states that "[e]ach of the Permit Appeals involve the same parties, the same or similar factual issues, and the same or similar legal issues." Mot. at 2. The Agency continues that "[t]he Permits are so similar in nature that the [Agency] held one joint public hearing to accept comments regarding all three draft permits and issued one Permit Responsiveness Summary addressing the three Permits together." *Id.* Further, "the relief requested in each is identical and described word for word." *Id.* The Agency states that the administrative records for the three permit appeals "will include almost entirely identical documents." *Id.* For these reasons, the Agency believes that "it will be more convenient,

---

<sup>1</sup> The Board cites to the motion filed on February 14, 2014, in PCB 14-106 for reference purposes in this order.

efficient, and expeditious” for the parties and the Board to consolidate the permit appeals for hearing and decision, and that consolidation “will not cause material prejudice to any of the parties.” *Id.*, citing 35 Ill. Adm. Code 101.406. The Agency states that petitioners’ counsel have agreed to the motion. *Id.*

The Board has previously consolidated multiple third-party permit appeals. *See, e.g., Prairie Rivers Network and Sierra Club v. IEPA and Prairie State Generating Co., LLC; American Bottom Conservancy and Dale Wojtkowski v. IEPA and Prairie State Generating Co., LLC*, PCB 06-124, 06-127 (Jan. 19, 2006). The Board has also consolidated permit appeals where the same relief is sought in each appeal. *See, e.g., Commonwealth Edison Co. v. IEPA*, PCB 91-178, 91-180 (Oct. 24, 1991). The Board has not received any objections to the motions. The Board believes that “consolidation is in the interest of convenient, expeditious, and complete determination” of the claims. 35 Ill. Adm. Code 101.406. The Board therefore grants the Agency’s three agreed motions to consolidate, and consolidates these three proceedings for hearing.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 6, 2014 by a vote of 4-0.



---

John T. Therriault, Clerk  
Illinois Pollution Control Board