

ILLINOIS POLLUTION CONTROL BOARD
June 1, 2026

WASTE MANAGEMENT OF ILLINOIS, INC.,)	
)	
)	
Petitioner,)	
)	
v.)	PCB 25-9, 25-10
)	(Permit Appeal – RCRA)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	(Consolidated)
)	
)	
Respondent.)	

HEARING OFFICER ORDER

Petitioner’s Motion *in Limine*

On March 26, 2026, petitioner, Waste Management of Illinois, Inc. (WMI), filed a Motion *in Limine* to Limit Proceedings to Issues Raised in Appeal. (Mot.) On April 23, 2026, the respondent, Illinois Environmental Protection Agency (IEPA), filed its response. (Resp.)

In a rather broad argument in the context of a permit appeal, WMI asserts that the issues in its appeal of an IEPA issued permit with conditions, be limited or confined to the issues it raises in its appeal. Mot. at 1. Specifically, WMI argues that its appeal “is limited to [IEPA’s] failure to follow the regulatory procedure for modifying a permit by impermissibly using a Class 1 permit modification for a significant modification, extending the post closure care without regulatory authority, precluding WMI from requesting reductions in financial assurance.” *Id.* WMI continues that “evidence related to other issues, including but not limited to the operations and conditions of the Laraway Recycling and Disposal Facility...are not relevant.” *Id.*

Respondent’s Response

IEPA responds that WMI’s motion is vague and overbroad and that IEPA “is entitled to all relevant information and information calculated to lead to relevant information”, not just the information regarding the issues raised in WMI’s appeal. Resp. at 1. IEPA states that WMI “raises four arguments challenging Illinois EPA’s permit approval with conditions dated July 29, 2024, ... and its final decision dated July 30, 2024, ...” *Id.* IEPA breaks down WMI’s four arguments found in its motion: WMI argues 1) “Illinois EPA lacks legal authority to issue the contested permit conditions”; 2) WMI objects “to the permit modification class”; 3) WMI asserts “a right to reduce its financial assurance”; and 4) the IEPA “is equitably estopped from issuing the contested permit conditions.” Resp. at 1-2.

Petitioner's Reply

On May 7, 2026, WMI filed a Reply. WMI's reply, for the most part, reiterates its motion *in Limine* filed March 26, 2026.

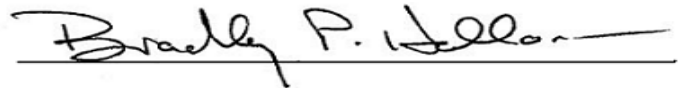
Ruling

In pertinent part, Section 101.616 (a) of the Board's procedural rules notes that "[a]ll relevant information and information calculated to lead to relevant information is discoverable..." 35 Ill. Adm. Code 101.616(a). I find that petitioner's motion is overbroad and perhaps premature. If petitioner has specific objections as discovery moves forward, and explain its irrelevancy, those specific objections will be reviewed.

Petitioner's motion is denied.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on June 11, 2026, at 11:00 a.m. The telephonic status conference must be initiated by the petitioner, and provide a call-in number, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.



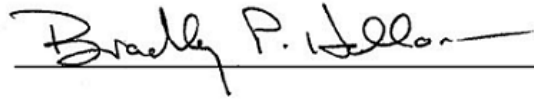
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on June 1, 2026, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on June 1, 2026:

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