

Electronic Filing - Received, Clerk's Office, July 18, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ATKINSON LANDFILL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 07-20
) (Pollution Control Facility
 THE VILLAGE OF ATKINSON AND) Siting Appeal)
 THE VILLAGE BOARD OF THE)
 VILLAGE OF ATKINSON,)
)
 Respondents)

NOTICE OF FILING

TO: SEE SERVICE LIST

PLEASE TAKE NOTICE that on July 18, 2008, the attached documents were filed:

1. Petitioner's Waiver of Decision Deadline;
2. Agreed Motion to Stay.

CERTIFICATE OF SERVICE

I, **GLENN C. SECHEN**, an attorney, certify that I have served a copy of the attached document by regular mail upon the person(s) on the attached Service List at or before 4:00 p.m. on the 18th day of July, 2008.

Glenn C. Sechen

Glenn C. Sechen, Counsel for the Petitioner

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PETITIONER'S WAIVER OF DECISION DEADLINE

NOW COMES the Petitioner, Atkinson Landfill Company ("Petitioner"), by its attorneys Glenn C. Sechen and James R. Griffin, and hereby moves as follows:

1. The Petitioner has filed a second request for a stay. Should said request be granted, the Petitioner hereby waives the Board's decision deadline.
2. Should the Board deny the motion for a stay or enter the stay for only a specified period of time, the Petitioner hereby extends the decision deadline to and including December 18, 2008.

WHEREFORE, the Petitioner, Atkinson Landfill Company prays that the decision deadline be waived or extended in accordance herewith.

Respectfully Submitted:
Glenn C. Sechen
Counsel for the Petitioner

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AGREED MOTION TO STAY

NOW COMES the Petitioner, Atkinson Landfill Company ("Petitioner"), by its attorneys Glenn C. Sechen and James R. Griffin, and hereby joins with the Village of Atkinson ("Village") and pursuant to Section 101.514 of the Board's rules move to stay this matter. In support hereof the parties state as follows:

1. The Village of Atkinson passed Resolution 185 granting siting approval with conditions on August 28, 2006.
2. The Petitioner and the Village (collectively, the "Parties") have negotiated in good faith and are near an agreement which could ultimately resolve this matter.
3. Recently the Village filed its Response to Petition for Review whereby the Village admits many of the key elements of the Petition for Review.
4. The Parties desire to allow the Atkinson Landfill Company to file another siting application.
5. Additional land may need to be purchased and the siting application would need to be designed with a new footprint.
6. Should such an application be granted, this matter would be dismissed.

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7. The Parties have agreed and hereby ask the Board to allow either party to file a Notice to Reinstate pursuant to Section 101.514 of the Board's Rules.

8. The current status of this matter would potentially involve the taking of discovery and the conducting of the necessary public hearing should the stay not be granted.

9. Should the Petitioner not move to dismiss as outlined above, the Parties agree to file status report upon the lifting of the stay, as required.

10. Additionally, pursuant to Sections 101.308 and 101.514 of the Boards' rules, the Petitioner agrees to and hereby does waive the applicable decision deadline to the full extent necessary to permit the entry of the requested relief.

11. On January 10, 2008, the Board entered an order similar to that requested herein, but it was inadvertently not extended as allowed by that order.

WHEREFORE, the Parties together pray that the Board stay this proceeding upon such additional time limits and reasonable terms as the Board may require.

Respectfully Submitted

Glenn C. Sechen

Counsel for the Petitioner

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