

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF

RCRA DELISTING ADJUSTED STANDARD) AS 08-10
PETITION OF PEORIA DISPOSAL COMPANY) (Adjusted Standard – Land)
) (RCRA Delisting)

**MOTION FOR LEAVE TO FILE OVERSIZED
POST-HEARING BRIEF OF PEORIA DISPOSAL COMPANY**

NOW COMES Peoria Disposal Company (“PDC”), by its attorneys, Elias, Meginnes, Riffle & Seghetti, P.C. and Brown, Hay & Stephens, LLP, and as and for its Motion for Leave to File Oversized Post-Hearing Brief, states as follows:

1. PDC filed its RCRA Delisting Adjusted Standard Petition (the “Petition”) with the Pollution Control Board (the “Board”) on April 25, 2008.
2. The public hearing in this case was held on August 18, 2008. Twenty-seven persons offered oral public comment at the hearing.
3. The public comment deadline, originally set to September 11, 2008, was extended by the Board to September 25, 2008. PDC was directed to file its post-hearing Brief on or before October 9, 2008.
4. Over three hundred (300) written public comments have been filed in this case.
5. Nearly a dozen written public comments have been filed that were postmarked, faxed or uploaded on September 25, 2008 (constituting over 100 pages of material).
6. Pursuant to 35 Ill. Adm. Code §101.302(k), PDC is required to request permission to file a brief in excess of 50 pages. PDC’s Post-Hearing Brief is 86 pages in length.

Electronic Filing - Received, Clerk's Office, October 8, 2008

7. In its Post-Hearing Brief, PDC has specifically addressed each public comment provided in this proceeding (including oral and written public comments) to facilitate the Board's review of this matter.

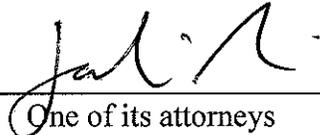
8. Counsel for PDC has discussed the requirement contained in §101.302(k) with the Board's hearing officer, who suggested that PDC file this motion with its Post-Hearing Brief.

WHEREFORE, PDC respectfully requests that the Board permit PDC to file its oversized Post-Hearing Brief, submitted contemporaneously with this motion.

Dated: October 8, 2008

Respectfully submitted,

PEORIA DISPOSAL COMPANY,
Petitioner

By: 
One of its attorneys

Claire A. Manning, Esq.
BROWN, HAY & STEPHENS, LLP
205 S. Fifth Street
Suite 700
Springfield, Illinois 62701
Telephone: (217) 544-8491
Facsimile: (217) 544-9609
Email: cmanning@bhslaw.com

908-0847

Brian J. Meginnes, Esq.
Janaki Nair, Esq.
ELIAS, MEGINNES, RIFFLE & SEGHETTI, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602
Telephone: (309) 637-6000
Facsimile: (309) 637-8514
Emails: bmeginnes@emrslaw.com
jnair@emrslaw.com

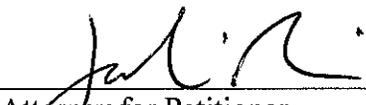
CERTIFICATE OF FILING AND SERVICE

I certify that on October 8, 2008, I filed the foregoing document electronically with the Clerk of the Illinois Pollution Control Board, and I served the foregoing document on all parties hereto, by enclosing a true copy of same in an envelope addressed to the attorney of record of each party or the party as listed below, with first class postage fully prepaid, and depositing each of said envelopes in the United States Mail at 5:00 p.m. on said date:

United States Environmental Protection Agency
Office of Solid Waste and Emergency Response
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Lynn Buhl
Regional Administrator
United States Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

William D. Ingersoll
Manager, Enforcement Programs
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276



Attorney for Petitioner

Claire A. Manning, Esq.
BROWN, HAY & STEPHENS, LLP
205 S. Fifth Street
Suite 700
Springfield, Illinois 62701
Telephone: (217) 544-8491
Facsimile: (217) 544-9609
Email: cmanning@bhslaw.com

Brian J. Meginnes, Esq.
Janaki Nair, Esq.
ELIAS, MEGINNES, RIFFLE & SEGHETTI, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602
Telephone: (309) 637-6000
Facsimile: (309) 637-8514
Emails: bmeginnes@emrslaw.com
jnair@emrslaw.com