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SEP 22 2010

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

VEOLIA ES LANDFILL, INC.)	
)	
Petitioner,)	
v.)	PCB 11-10
)	
CITY COUNCIL OF THE CITY OF ZION)	(Pollution Control Facility
)	Siting Appeal)
Respondent.)	

NOTICE OF FILING

To:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601-3218

Gerald P. Callaghan
Freeborn & Peters, LLP
Attorneys for Petitioner
311 S. Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

PLEASE TAKE NOTICE that on September 22, 2010, I have filed with the Office of the Clerk of the Pollution Control Board the original and nine copies of the Appearance of the City of Zion and Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C., and Motion to Reduce the Burden for Filing Record of Proceedings and to Permit Electronic Filing, copies of which are herewith served upon you.


Adam B. Simon
Attorney for Respondent

Dated: September 22, 2010

Adam B. Simon
Derke J. Price
ANCEL, GLINK, DIAMOND, BUSH, DICIANNI & KRAFTHEFER, P.C.
Attorneys for Respondent
140 South Dearborn Street, Sixth Floor
Chicago, Illinois 60603
(312) 782-7606

CERTIFICATE OF SERVICE

I, the undersigned, certify that on September 22, 2010, I have served the attached Notice of Filing, Appearance of the City of Zion and Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C., and Motion to Reduce the Burden for Filing Record of Proceedings and to Permit Electronic Filing, on the following persons at the following addresses by U.S. Mail, postage prepaid.

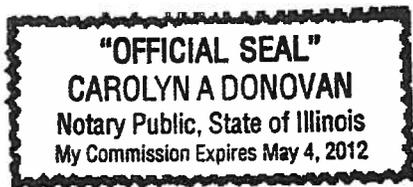
Gerald P. Callaghan
Freeborn & Peters, LLP
Attorneys for Petitioner
311 S. Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677



SUBSCRIBED AND SWORN TO BEFORE ME
this 22nd Day of September, 2010.



Notary Public



(SEAL)

ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

VEOLIA ES LANDFILL, INC.)
)
 Petitioner,)
 v.)
)
 CITY COUNCIL OF THE CITY OF ZION)
)
 Respondent.)

PCB 11-10

(Pollution Control Facility
Siting Appeal)

APPEARANCE

NOW COMES Adam B. Simon and Derke J. Price, of the law firm ANCEL, GLINK, DIAMOND, BUSH, DiCIANNI & KRAFTHFER, P.C., and hereby enters the firm's appearance and the appearance of the Respondents, City Council of the City of Zion, in a representative capacity at its attorneys.

Respectfully submitted,



Adam B. Simon

Dated: September 22, 2010

Adam B. Simon
Derke J. Price
ANCEL, GLINK, DIAMOND, BUSH, DiCIANNI & KRAFTHFER, P.C.
140 South Dearborn Street, Sixth Floor
Chicago, Illinois 60603
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Firm ID 42783

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ILLINOIS POLLUTION CONTROL BOARD

VEOLIA ES LANDFILL, INC.)
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Petitioner,)
v.) PCB 11-10
)
CITY COUNCIL OF THE CITY OF ZION) (Pollution Control Facility Siting Appeal)
)
Respondent.)

MOTION TO REDUCE THE BURDEN FOR FILING RECORD OF PROCEEDINGS AND TO PERMIT ELECTRONIC FILING

NOW COMES the CITY COUNCIL OF THE CITY OF ZION (the "City"), by and through its counsel, ANCEL, GLINK, DIAMOND, BUSH, DICIANNI & KRAFTHOFER, P.C., and for its Motion to Reduce the Burden for Filing the Record of Proceedings and to Permit Electronic Filing in the above captioned case, states as follows:

1. Veolia ES Landfill, Inc. (Veolia) is the owner and operator of a pollution control facility for which the City granted siting approval, subject to certain conditions, for an expansion of such pollution control facility.
2. Veolia has filed an appeal of the City's local siting approval with respect to Special Condition of Approval 2.2, on the basis that said is condition is unsupported by the record; against the manifest weight of the evidence; standardless; vague; not within the authority of the City to impose; not reasonable and necessary to accomplish the purposes of Section 39.2 of the Act; potentially in conflict with permit conditions imposed by the Illinois Environmental Protection Agency; and inconsistent with the regulations promulgated by the Board.
3. Notwithstanding the number of arguments Veolia has presented in support of its petition to strike Special Condition of Approval 2.2, the scope of this appeal is narrowly confined to only one condition from a list of twenty-five (25).

4. Pursuant to 35 ILAC §107.304, the local siting authority must file with the Board seven copies of the transcript and one original, and 9 copies of all other documents in the record.

5. Given the limited nature of this appeal, the personnel and cost burden arising from complying with 35 ILAC §107.304 outweighs the probative value of filing such a volume of documents in paper form.

6. In an effort to reduce its carbon footprint and minimize the use of paper, the City desires to submit and receive documents related to Veolia's application in electronic format, to wit: the City's Pollution Control Facility Siting Ordinance requires an applicant to file only one original application and forty (40) electronic copies.

WHEREFORE, the City of Zion respectfully prays for the Board to enter and order:

1. Requiring the City to file an original and two (2) paper copies of the transcript and all other documents in the record;

2. Requiring the City to file three (3) electronic copies of the transcript and all of documents in the record;

3. Requiring the City to make available on three (3) days notice additional electronic copies of the transcript and all of documents in the record in the event additional parties file an appearance in this proceeding; and

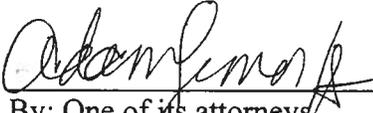
4. Charging the costs therefore to Veolia, as provided for in 35 ILAC §107.306; and

5. Direct that all further filing and service in this cause, other than the record, be made by electronic transmission in lieu of paper filing or service, as provided for by 35 ILAC §101.302(d); and

6. Setting the deadline for filing the transcript and all of documents in the record no earlier than fourteen (14) days from the Board's ruling on this Motion.

RESPECTFULLY SUBMITTED,

CITY OF ZION



By: One of its attorneys

Adam B. Simon
Derke J. Price
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