

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| REPUBLIC SERVICES, INC., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB No.: 24-065 |
| |) | |
| McLEAN COUNTY, ILLINOIS, |) | (Pollution Control Facility Siting Appeal) |
| McLEAN COUNTY BOARD, and |) | |
| LAKESHORE RECYCLING |) | |
| SYSTEMS, LLC, |) | |

**REPUBLIC SERVICES' MOTION TO CORRECT
MISNOMER IN PARTY DESIGNATION**

NOW COMES Petitioner, AMERICAN DISPOSAL SERVICES OF ILLINOIS, INC. d/b/a REPUBLIC SERVICES OF BLOOMINGTON (incorrectly named as Republic Services, Inc.) (hereinafter "Republic Services"), by and through its attorneys, Lucas J. Hall, Claire D. Meyer, and Scott B. Sievers of Brown, Hay + Stephens, LLP, and hereby moves to correct Petitioner's name in the record, stating as follows:

1. American Disposal Services of Illinois, Inc., is a Delaware Corporation authorized to transact business in the State of Illinois under the assumed business name Republic Services of Bloomington.
2. American Disposal Services of Illinois, Inc., under the assumed business name Republic Services of Bloomington, owns and operates the Republic Services Bloomington Transfer Station located at 2112 Washington Road, Bloomington, Illinois. LRS specifically references Petitioner as American Disposal Services of Illinois, Inc., in its Application for Siting Authority. *See* C-32. Petitioner is referenced as such throughout the record on appeal. *See* 691-92, 909, 911, 1265, 1272, 1508, 1522.

3. Dan Winters, General Manager for American Disposal Services of Illinois, Inc., d/b/a Republic Services of Bloomington, was present at both days of the public hearing before the McLean County Board on behalf of Republic Services of Bloomington, which participated in the proceedings with counsel Claire A. Manning and Lucas J. Hall of Brown, Hay + Stephens, LLP.

4. During the proceedings before the McLean County Board, the first witness LRS called to present on its application for siting authority, John Hock, made it a point to state that “American Disposal Services of Illinois was a regional company that was actually bought by Allied Waste Industries way back when, and which was bought by Republic Services. So names, all the same company.” C-909. Moreover, the Exhibits to LRS’ application and those submitted to the McLean County Board reference American Disposal Services of Illinois and the waste transfer station it operates in Bloomington. C-32, 1265, 1272.

5. The Ecology Action Center notes that, “[w]hile Republic Services is the name most commonly used, we use the names ADS, American Disposal Services, Republic Services, and Allied Waste interchangeably to refer to Republic Services. Use of the alternate names is usually relative to a reference to primary source documents where an alternate name/subsidiary name might be in use.” C-691.

6. Petitioner’s sole expert who testified at the proceedings before the McLean County Board, Sheryl Smith, discussed the “ADS transfer station” and indicated that the American Disposal Services of Bloomington site was operated by Republic Services. C 1000, 1508.

7. Under the General Rules for proceedings before the Illinois Pollution Control Board, the Board may look to the Illinois Code of Civil Procedure where the General Rules are silent on a matter. 35 IAC 101.100 (b). Under the Illinois Code of Civil Procedure, “the name of

any party may be corrected at any time, before or after judgment, on motion, upon any terms and proof that the court requires.” 735 ILCS 5/2-401 (b).

8. To accurately reflect the entity on whose behalf Dan Winters, Brown, Hay + Stephens, and Sheryl Smith participated in the McLean County proceedings, Petitioner seeks to have the misnomer “Republic Services, Inc.” corrected to “American Disposal Services, Inc. d/b/a Republic Services of Bloomington.” Said change would not prejudice any of the parties to these proceedings, as LRS and McLean County’s Ecology Action Center specifically acknowledged that the Republic Services Bloomington Transfer Station is owned and operated by American Disposal Services, Inc., a Republic Services, Inc. affiliated entity.

WHEREFORE, for the foregoing reasons, Petitioner American Disposal Services, Inc. d/b/a Republic Services of Bloomington respectfully requests that the Board grant this motion, direct the Clerk to correct Petitioner’s misnomer on the docket, and for such other and further relief the Board deems just and proper.

Respectfully submitted,

American Disposal Services, Inc. d/b/a
Republic Services of Bloomington,
Petitioner,

By: /s/Lucas J. Hall

One of Its Attorneys

Scott B. Sievers, ARDC No. 6275924
Lucas J. Hall, ARDC No. 6335982
Claire D. Meyer, ARDC No. 6346059
Brown, Hay + Stephens, LLP
205 S. Fifth Street, Suite 1000
Springfield, IL 62701
(217) 544-8491
ssievers@bhslaw.com
llhall@bhslaw.com
cmeyer@bhslaw.com
Attorneys for Petitioner

PROOF OF SERVICE

The undersigned hereby certifies that on July 18, 2024, a copy of the foregoing instrument was served on the below parties in this matter via email and the Clerk's Office On-Line e-file system. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Richard M. Guerard, Attorney for LRS
Guerard, Kalina & Butkus
310 S. County Farm Road, Suite H
Wheaton, IL 60187
richguerard@wydp.com

Carol Webb, Hearing Officer
Don Brown, Clerk of the Board
Illinois Pollution Control Board
North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274
Carol.webb@illinois.gov
Don.brown@illinois.gov

McLean County Board
c/o Kathy Michael, McLean County Clerk
McLean County Government Center
115 E. Washington Street, Room 102
Bloomington, IL 61701
Kathy.michael@mcleancountyil.gov

Trevor Sierra
Taylor A. Williams
McLean County State's Attorney
115 E. Washington St.
Room 401
Bloomington, IL 61702
trevor.sierra@mcleancountyil.gov
taylor.williams@mcleancountyil.gov

Stacy J. Stotts
Polsinelli PC
900 W. 48th Place, Suite 900
Kansas City, MO 64112
sstotts@polsinelli.com

Dmitry Shifrin
Polsinelli Law
150 N. Riverside Plaza, Suite 3000
Chicago, IL 60606
dshifrin@polsinelli.com

Sara L. Chamberlain
Thompson Coburn, LLP
One US Bank Plaza
St. Louis, MO 63101-1693
schamberlain@thompsoncoburn.com

/s/Lucas J. Hall