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Wednesday, April 16, 2003

Illinois Pollution Control Board
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STATE OF ILLINOIS
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PC#1

Attention Ms. Dorthy M. Gunn

Re: Objection to Petition for Hearing To Contest Site Location Approval, No. PCB 03-161

Dear Ms. Gunn:

We are requesting dismissal of the petition submitted on behalf of the Solid Waste Agency of Northern Cook County. We ask for this dismissal based on the following two items:

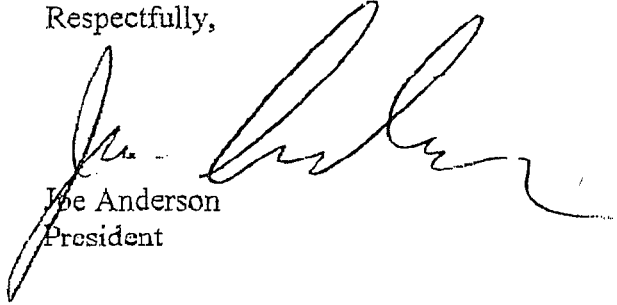
Item #1 – In SWANCC's petition item #2 they state that DMS submitted our request for a site approval with the City of DesPlaines, IL on August 5, 2002. Section 39.2(e) of the Environmental Protection Act of Illinois states: "If there is no final action by the county board or governing body of the municipality within 180 days after filing of the request for site approval the applicant may deem the request approved." Therefore, the City of DesPlaines had until February 4, 2003 to approve our request, otherwise the request is deemed approved. Section 40.1(b) of the Environmental Protection Act states "applicant who participated in the public hearing conducted by the county board or governing body of the municipality may petition the board within 35 days for a hearing to contest the approval." SWANCC had 35 days to file their petition from 2/4/2003. Thirty-five days from February 4, 2003 is March 11, 2003. Their petition was filed on March 24, 2003, 13 days to late, and is thus untimely and should be dismissed. The City of DesPlaines did approve our request on February 18, 2003. This action was a mere formality since approval occurred February 4, 2002. Please reference Section 107.204 of Title 35 for details on this matter.

Item #2 – Section 40.1(b2) of the Environmental Protection Act states that the Board does not need to hear the appeal if "the petitioner is so located as to not be affected by the proposed facility." SWANCC's transfer station facility is located 4.5 miles away, as the crow flies, from the DMS facility. We do not see how our facility could affect

SWANCC's facility, which handles mainly municipal garbage. Our facility handles only construction and demolition waste.

Based on the appeal being untimely and SWANC not being affected by our facility, we respectfully ask that their request for appeal be denied by the Board.

Respectfully,



Joe Anderson
President