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JUL 2 2003

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

LOWE TRANSFER, INC. and MARSHALL)
LOWE,)
)
Petitioners,)
)
vs.)
)
COUNTY BOARD OF McHENRY)
COUNTY, ILLINOIS,)
)
Respondent.)

PCB 03-221
(Pollution Control Facility
Siting Appeal)

NOTICE OF FILING

To: (See attached Service List.)

PLEASE TAKE NOTICE that on this 2nd day of July 2003, there was filed with the Illinois Pollution Control Board or Hearing Officer, **Respondent's Certificate of Record and Motion for Leave to File Reduced Number of Copies**, which are attached and herewith served upon you.

COUNTY BOARD OF McHENRY COUNTY, ILLINOIS

By: Charles F. Helsten
Charles F. Helsten *esl*
One of the attorneys

Charles F. Helsten
Hinshaw & Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815/490-4900

CERTIFICATE OF SERVICE

I, the undersigned non-attorney, state that I served a copy of the above-described documents to counsel of record in the above-captioned matter via U.S. Mail at One IBM Plaza, Chicago, IL 60611 on or before 5:00 p.m. on July 2, 2003.

Jeanette M. Podlin
Jeanette M. Podlin

x] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

SERVICE LIST
PCB 03221

Bradley Halloran
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

David McArdle
Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, IL 60014

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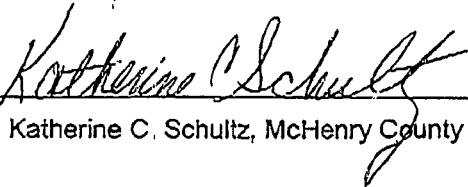
PCB 2003-221 JUL 2 2003

STATE OF ILLINOIS
Pollution Control Board

CERTIFICATION OF RECORD ON APPEAL

Pursuant to Sections 107.304 and 107.308 of the Illinois Pollution Control Board's procedural rules, Katherine C. Schultz, County Clerk of the County of McHenry, hereby certifies that the documents enclosed and described in the attached Index to Record on Appeal, are true and correct copies of the original record kept on file concerning the Site Location Application for the Northwest Highway Transfer Facility filed by Lowe Transfer Inc., with the McHenry County Clerk's Office on November 20, 2002.

Dated this 27th day of June 2003



Katherine C. Schultz, McHenry County Clerk

Index to Record on Appeal

Lowe Transfer Inc. and Marshall Lowe v. County Board of McHenry County
Illinois PCB 03- 221

C00001	Applicant Exhibit 1 - Application for Siting Approval, Volume 1
C00002	Applicant Exhibit 1 - Application for Siting Approval, Volume 2
C00003	Transmittal Letter Village of Trout Valley
C00004	Transmittal Letter Village of Lake in the Hills
C00005	Transmittal Letter Village of Oakwood Hills
C00006	Transmittal Letter City of Crystal Lake
C00007	Transmittal Letter Village of Cary
C00008	Certified Mail Public Hearing Notice
C00009-C00010	Public Hearing Notice Letter
C00011-C00015	Applicant Proof of Filing
C00016-C00010	Notice of Public Hearing
C00020-C00023	Certified Notice/Elected Officials
C00024	Proof of Filing
C00025-00039	Sign-Up Sheets for Verbal Public Comment
C00040	Sign-In Sheet for Public Document Room
C00041-C00048	Sign-Up Sheet for Objectors and Other Participants
C00049-00051	Sign-Up Sheets for Verbal Public Comment
C00052	Memorandum Bright Oaks Condo Association authorized as Objector
C00053	Hearing Officer Objector Listing
C00054-C00130	Public Notice for Pollution Control Facility Siting Committee Meeting for Waste Transfer Facility Site Visits
C00131-C00146	Certificate of Service Meeting Notice of McHenry County Board
C00146A-C00146VV	Meeting Notice and Certificate of Meeting Notice of Pollution Control Facility Siting Committee Meeting
C00147	Pollution Control Facility Siting Committee Meeting Agenda February 24, 2003
C00148	Pollution Control Facility Siting Committee Minutes December 19, 2002
C00150-C00166	Articles of Rules and Procedures Regional Pollution Control Facility Committee McHenry County, Illinois
C00167	Draft Proposed Hearing Rules and Procedures
C00169	Hearing Rules and Procedures
C00172	Motion for Production of Documents
C00173	Motion in Limine Regarding Public Hearing Participation (Withdrawn)
C00175-C00176	Pollution Control Facility Siting Committee Minutes February 24, 2003
C00177	Pollution Control Facility Siting Committee Transcripts February 24, 2003

C00178-C00180	Pollution Control Facility Siting Committee Transcripts for March 1, 2003
C00181-C00185	Pollution Control Facility Siting Committee Transcripts for March 3, 2003
C00186-C00190	Pollution Control Facility Siting Committee Transcripts for March 4, 2003
C00191-C00195	Pollution Control Facility Siting Committee Transcripts for March 6, 2003
C00196-C00199	Pollution Control Facility Siting Committee Transcripts for March 7, 2003
C00200-C00204	Pollution Control Facility Siting Committee Transcripts for March 8, 2003
C00205-C00210	Pollution Control Facility Siting Committee Transcripts for March 11, 2003
C00211-C00215	Pollution Control Facility Siting Committee Transcripts for March 12, 2003
C00216-C00220	Pollution Control Facility Siting Committee Transcripts for March 13, 2003
C00221-C00225	Pollution Control Facility Siting Committee Transcripts for March 14, 2003
C00226-C00227	Pollution Control Facility Siting Committee Transcripts for March 15, 2003
C00228	Pollution Control Facility Siting Committee Transcripts for April 9, 2003
C00229-C00232	Exhibit List Applicant
C00233	Applicant Exhibit 2 - Enlarged original color 2-10 (Board)
C00234	Applicant Exhibit 3 - Enlarged original 2-1 (black & white) (Board)
C00235	Applicant Exhibit 4 - Aerial photograph
C00236	Applicant Exhibit 5 - Correction from \$ 20 to \$40
C00237	Applicant Exhibit 7 - Notices
C00238	Applicant Exhibit 8 - Solid Waste Association of North America Manual
C00239	Applicant Exhibit 9 - Solid Waste Transfer in Illinois Handbook
C00240	Applicant Exhibit 10 - U.S., E.P.A. Waste Transfer Stations Manual
C00241	Applicant Exhibit 12 - Transfer Station zoning - aerial - Year 2002
C00242	Applicant Exhibit 13 - Transfer Station zoning - aerial - Year 2002 w/ pink areas
C00243-C00262	Applicant Exhibits 14a, 14b, 14c McHenry County Conservation Deeds
C00263	Applicant Exhibit 15 - McHenry County Zoning Ordinance
C00277	Applicant Exhibit 16 - Algonquin Township Recycling Program
C00281-C00285	Applicant Exhibit 17 - Upper Illinois River Valley Development Authority / Preliminary Bond Resolution No 02-004 and Memorandum of Agreement
C00286	Applicant Exhibit 18 - Wind Speed Chart
C00287	Applicant Exhibit 19 - McHenry County General Highway Map
C00288	Applicant Exhibit 20 - Metro Transportation Group - Miller Report 2/28/03
C00289	Applicant Exhibit 21 - Map of Aurora/Naperville Fox Valley w/ site and truck routes
C00290	Applicant Exhibit 22 - Vehicle Queue at Woodland Transfer Station
C00291	Applicant Exhibit 23 - Nonhazardous Solid Waste Management and Landfill Capacity in Illinois for 2001 E.P.A.

C00292	Applicant Exhibit 24 – Nicodem Woodland Report / Part 2.0
C00293	Applicant Exhibit 25 – Woodland drawing – Traffic circulation pattern 3-1
C00294	Applicant Exhibit 26 – Woodland drawing – site plan
C00295-C00306	Applicant Exhibit 27 – McHenry County Septic Permit
C00307-C00311	Applicant Exhibit 28 – Upper Illinois River Valley Development Authority Application and supplement
C00312-C00315	Exhibit Lit of the Village of Cary
C00316-C00325	Village of Cary Exhibit 1 – Lawrence E. Thomas professional qualifications
C00326	Village of Cary Exhibit 2 – Thomas Report regarding the local area hydrogeology
C00327-C00332	Village of Cary Exhibit 3 – Village of Cary Groundwater protection needs Assessment
C00333	Village of Cary Exhibit 4 – Generalized cross section – 1 monitoring well
C00334&C00334A	Village of Cary Exhibit 5 – Village of Cary aerial – red & blue lines
C00335	Village of Cary Exhibit 6 – Site – red triangle – yellow blocks (Board)
C00336	Village of Cary Exhibit 7 – Generalized cross section – 3 monitoring wells
C00337	Village of Cary Exhibit 8 – Man between boxes of water
C00338	Village of Cary Exhibit 9 – Kenig, Lindgren, O'Hara, Aboona, Inc. / Summary Traffic Evaluation
C00339	Village of Cary Exhibit 10 – I.D.O.T. / Design Manual Chapter 36
C00340	Village of Cary Exhibit 11 – 415 ILCS 5/21(d)
C00341	Village of Cary Exhibit 12 – 415 ILCS 5/22 38
C00342-C00393	Village of Cary Exhibit 13 – IL., E.P.A. letter dated 2/18/03 to Mayer, Brown, Rowe & Maw
C00394	Village of Cary Exhibit 14 - N.I P C / A.D I D. Study
C00395-C00397	Village of Cary Exhibit 15 – Resume / Cameron Davis
C00398	Village of Cary Exhibit 16 – Davis Report
C00399	Village of Cary Exhibit 17 – Aerial of subject & surrounding properties (Three separate maps combined – Board)
C00400	Village of Cary Exhibit 18 – Original Photographs
C00401&C00401A	Village of Cary Exhibit 19 – Village of Cary 2002 Zoning Map (Folded & Board)
C00402	Village of Cary Exhibit 20 – Village of Cary Centennial Comprehensive Plan – Adopted 1992
C00403	Village of Cary Exhibit 21 – Village of Cary Comprehensive Plan Map 1992 (Board)
C00404&C00404A	Village of Cary Exhibit 22 – Plote Development History in Cary (Folded & Board)
C00405-C00418	Village of Cary Exhibit 23 – Village of Cary Waste Recycling Yard Waste for the year 2002

C00419	Village of Cary Exhibit 24 – Break Even Distance 10-20 mile radius map (Bbard)
C00420	Village of Cary Exhibit 25 – Map of distance of Lowe Enterprise, Inc. from Bright Oaks
C00421	Village of Cary Exhibit 26 – Original video
C00422	Village of Cary Exhibit 27 – Edited video
C00423-C00425	Village of Cary Exhibit 28 – N Derw Petterson, AICP resume
C00426-C00445	Village of Cary Exhibit 29 – Petterson Report / Compatibility w/ Surrounding Area
C00446&C00446A	Village of Cary Exhibit 30 – Plan indentifying recreational uses of Hollows
C00447&C00447A	Village of Cary Exhibit 31 – McHenry County Year 2010 Land Use Plan (Portion)
C00448	Village of Cary Exhibit 32 – David B Miller resume
C00449-C00453	Village of Cary Exhibit 33 – Miller Report
C00454-C00456	Village of Cary Exhibit 34 – AASHTO – Policy on Geometric Design of Highways 2001 (3 pages)
C00457	Village of Cary Exhibit 35 – METRO Report on Woodland June 2003
C00458-C00462	Village of Cary Exhibit 36 – Andrew F. Nickodem resume
C00463	Village of Cary Exhibit 37 – Nicodem Report
C00464	Village of Cary Exhibit 38 – Site Plan
C00465	Village of Cary Exhibit 39 – Traffic Plan
C00466&C00466A	Village of Cary Exhibit 40 – Traffic Plan 5 – E - 8 / 2 color
C00447&C00467A	Village of Cary Exhibit 41 - Site Plan 5 – E – 2 multicolor
C00468	Village of Cary Exhibit 42 - Stormwater Management Plan
C00469-C00474	Village of Cary Exhibit 43 - Instructions & application for operating permit – I E P A. (form)
C00475	Village of Cary Exhibit 44 – Kevin W Sutherland. P E resume
C00476-C00483	Village of Cary Exhibit 45 – Sutherland Report
C00484-C00590	Village of Cary Exhibit 46 – Chronology, Communications and e-mail Between Cynthia Grandfield, Assistant State’s Attorney and Chris Burger Patrick Engineering Inc. (108 pages)
C00591-C00670	Village of Cary Exhibit 47 – Patrick Engineering handwritten calculation Sheets (80 pages)
C00671-C00769	Village of Cary Exhibit 48 – E-mails
C00770-C00773	Village of Cary Exhibit 49 – Well log reports
C00774-C00776	Village of Cary Exhibit 50 – I E P A. groundwater section letter dated 11/15/99

C00777-C00778	Village of Cary Exhibit 51 – API No. 121112410800 well log 4/00
C00779-C00781	Village of Cary Exhibit 52 – Use of Tritium in Assessing Aquifer Vulnerability
C00782	Village of Cary Exhibit 53 – I E P A / F.O.I.A. Request 3/7/03
C00783-C00852A	Village of Cary Exhibit 54 – I.E.P.A. / F O I A. Response 2/21/03
C00853-C00883	Village of Cary Exhibit 55 – F O I.A. delegation agreement / I E P A and McHenry County
C00884	Village of Cary Exhibit 56 – McHenry County Zoning Ordinance
C00885-C01143	Village of Cary Exhibit 57 – F O.I.A. response / Pollution Control Siting Committee – agendas, minutes & Documents
C01144-C01146	Village of Cary Exhibit 58 – Fax cover and letter to State's Attorney from Attorney Helsten
C01147-C01188	Village of Cary Exhibit 59 – F O I.A. response from County staff
C01189-C01192	Exhibit List of Plote
C01193-C01197	Plote Exhibit 1 – Conceptual development plan
C01198-C01215	Plote Exhibit 2 – Ordinance for mining
C01216	Plote Exhibit 3 – Reclamation plan
C01217	Plote Exhibit 4 - Colored map / aerial / blue & red outlines
C01218	Plote Exhibit 5 – Proposed storm sewer improvement
C01219	Plote Exhibit 6 – Letter dated 8/21/01 from SuzAnne Ehardt, Director Code Enforcement Officer
C01220	Plote Exhibit 7 – Proposed development plans
C01221-C01224	Plote Exhibit 8 – Marketing brochure
C01225	Plote Exhibit 9 – Preliminary site plan 1/30/03 / Haeger Engineering
C01226-C01228	Polte Exhibit 10 – Petition for annexation 2/8/03
C01229-C01232	Polte Exhibit 11 – Publication notice for annexation 3/1/03
C01233-C01273	Polte Exhibit 12 – Groundwater sampling analysis – 2000
C01274	Polte Exhibit 13 – Northbrook Waste Transfer Site – Aerial (Board)
C01275	Polte Exhibit 14 – Photo from proposed transfer station looking towards Residential (Board)
C01276	Polte Exhibit 15 – Photo from residential looking towards transfer station (Board)
C01277	Polte Exhibit 16 – Tree line residential photo from rail (Board)
C01278	Polte Exhibit 17 – Railroad right of way photo from rail (Board)
C01283-C01285	Bright Oaks Subdivision Exhibit 2 – John T. Whitney, MAI curriculum vitae
C01286-C03830	Public comment received from December 2, 2002 through April 14, 2003

C03831-C03832	Motion for Notice to Appear for Patrick Engineering
C03833-C03834	Motion for Notice to Appear for Marshall Lowe
C03835-C03836	Motion to Make Information Available on the Record
C03837-C03838	Motion for Additional Disclosure on the Record
C033839-C03841	Motion for Site Visit
C03842	Express Mail Filing Date for Village of Cary's Findings of Fact and Conclusion of Law
C03843-C03846	Letter for Mayer Brown Rowe & Maw Regarding Submission of Additional Materials for Public Record
C03847-C03848	Notice of Filing Proposed Findings of Fact and Conclusion of Law of the Village of Cary
C03849-C03850	McHenry County Memorandum Regarding the Availability of the Public Record for Viewing
C03851	McHenry County Letter Distributing County Staff Report
C03852-C03992	McHenry County Staff Report
C03993-C04031	Lowe Transfer Inc and Marshall Lowe Additional Public Comments
C04032-C04056	Lowe Transfer Inc and Marshall Lowe Proposed Findings of Fact and Conclusion of Law
C04057-C07235	Memorandum on Behalf of the Village of Cary In Support of Findings of Fact and Conclusion of Law
C07237	Pollution Control Facility Siting Committee Transcript for April 28, 2003
C07238-C07242	Pollution Control Facility Siting Committee Findings and Recommendation to the McHenry County Board Regarding the Proposed Northwest Highway Transfer Facility
C07243	Letter from the Chairman of the Pollution Control Facility Siting Committee Transmitting Findings and Recommendation to the McHenry County Board Regarding the Proposed Northwest Highway Transfer Facility
C07244	McHenry County Board Transcript for May 6, 2003
C07245-C07250	Findings and Resolution of the McHenry County Board Regarding Siting of the Proposed Northwest Highway Transfer Station Facility

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MOTION FOR LEAVE TO FILE REDUCED NUMBER OF COPIES

Respondent COUNTY BOARD OF McHENRY COUNTY, ILLINOIS ("County"), by its attorneys Hinshaw & Culbertson, hereby move for leave to file a reduced number of copies of portions of its record.

1. On June 19, 2003, the Board issued its order accepting this appeal, and directing the County to file its record of the proceedings.
2. Section 107.304(c) of the Board's procedural rules requires the County to file the original and nine copies of all documents (except the transcript) in the record. The County seeks leave to file only the original of two portions of the record, and only three copies of another portion.
3. The record contains twenty-two oversized exhibits mounted on boards. It would be very difficult to reproduce those exhibits mounted on boards. Thus, the County seeks leave to file only the original of those twenty-two exhibits.

4. Additionally, the record contains a videotape. (There are two copies of the same tape, in different tape formats.) The County seeks leave to file only the originals of that tape.
5. Finally, there are a number of oversized exhibits in the record which are not mounted on boards. The County seeks leave to file the original and three copies of those oversized exhibits.
6. The County will, of course, comply with the numerical filing requirements for the remainder of the record.

WHEREFORE, the County moves the Board for leave to file only the original of exhibits mounted on boards, and of the videotape; for leave to file the original and three copies of other oversized exhibits; and for such other relief as the Board deems appropriate.

Respectfully submitted,

COUNTY BOARD OF McHENRY
COUNTY, ILLINOIS

By: Charles F. Helsten
One of its attorneys *esh*

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