

ILLINOIS POLLUTION CONTROL BOARD

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SEP 12 2003

STATE OF ILLINOIS
Pollution Control Board

ROCHELLE WASTE DISPOSAL, L.L.C.,)
)
Petitioner,)
)
vs.)
)
CITY COUNCIL OF THE CITY OF)
ROCHELLE, ILLINOIS,)
)
Respondent.)

PCB 03-218
(Pollution Control Facility
Siting Appeal)

NOTICE OF FILING

To: (See attached Service List.)

PLEASE TAKE NOTICE that on this 12th day of September 2003, there was filed with the Illinois Pollution Control Board, **Respondent's Motion for Further Extension of Time and For Leave to File Reduced Number of Copies**, attached and herewith served upon you.

CITY COUNCIL OF THE CITY OF
ROCHELLE, ILLINOIS

By: Charles F. Helsten
One of Its Attorneys *esh*

Charles F. Helsten
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CERTIFICATE OF SERVICE

I, the undersigned non-attorney, state that I served a copy of Respondent's Motion for Further Extension of Time and for Leave to File Reduced Number of Copies 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 September 12, 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 03-218

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**MOTION FOR FURTHER EXTENSION OF TIME AND
FOR LEAVE TO FILE REDUCED NUMBER OF COPIES**

Respondent CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS ("City"), by its attorneys Hinshaw & Culbertson, hereby moves the Board or the hearing officer for a further extension of time in which to file its record, and for leave to file a reduced number of copies of its record.

1. The City has previously filed a motion for extension of time to file its record, and for leave to file reduced number of copies. That motion has not yet been ruled upon.
2. The City's first motion sought an extension of time, to September 17, 2003, in which to file its record.
3. The City is working diligently to prepare and certify its record. However, the City Clerk's Office is literally a one-person office, staffed only by the City Clerk himself. The record is voluminous, and the process of organizing, numbering, and certifying the record is extremely time-consuming. The City Clerk will be out of the office the week of September 8-12, 2003, on a previously-arranged matter, with no one able to continue record preparation and certification. The City

estimates that the record will be completed early in the week of September 15. However, additional time is needed to allow for copying of the record, and filing with the Board.

4. No hearing date is yet set in this matter, and petitioner has waived the decision deadline to January 19, 2004. Discovery is proceeding, and is scheduled to close on September 30, 2003. Because discovery is still underway, no party will be prejudiced by an extension of time, to and including September 26, 2003, to file the City's record.
5. Additionally, the City previously sought leave to file only the original and three copies of the record. The City continues to seek leave to file the original and three copies of the record, except that the City asks leave to file only the original of the following documents:
 - a. The IEPA operating record of the existing facility, which consists of one over-sized box of documents, three "bankers' box-sized" boxes of documents (known as Petitioner's Exhibit 129), an additional "bankers' box" of documents, one envelope of microfiche (known as Petitioner's Exhibit 126), and a CD-ROM of microfiche documents (known as Petitioner's Exhibit 125);
 - b. A sample of the composite liner proposed for the facility; and
 - c. A presentation, on CD-ROM, entitled "Dump the Megadump!", dated March 4, 2003.

6. The documents and materials listed in paragraph 5 are either extremely voluminous, or difficult to copy. Thus, the City seeks leave to file only the original of those materials identified in paragraph 5.
7. The City is aware that the Board has proposed, in rulemaking R04-8, amending its procedural rules to delete the requirement in Section 107.304(c) that the siting authority file the original and nine copies of the record. The City is also aware that the composition of the Board has been reduced from seven members to five members, and that the Board recently consolidated its offices.
8. Therefore, the City seeks leave to file the original and three copies of the record, but only the original of the materials listed in paragraph 5.

WHEREFORE, the City seeks an extension of time, to and including September 26, 2003, to file its record; for leave to file the original and three copies of the record, but only the original of the materials listed in paragraph 5; and for such other relief as the Board or hearing officer deem appropriate.

Respectfully submitted,

CITY COUNCIL OF THE CITY OF
ROCHELLE, ILLINOIS

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

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