

OCT 23 2003

STATE OF ILLINOIS
Pollution Control Board

VS.

**Case No. PCB 04-33
(Third Party Pollution Control
(Facility Siting Appeal))**

VS.

**Case No. PCB 04-34
(Third Party Pollution Control
(Facility Siting Appeal))**

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Case No. PCB 04-34
(Third Party Pollution Control
(Facility Siting Appeal))

Now comes the City of Kankakee, by and through its attorneys, Christopher W.

Bohlen, Corporation Counsel, and hereby moves the Illinois Pollution Control Board to waive the necessity of filing of rock core samples which were filed with the City of Kankakee. In support thereof the following is stated:

1. As a part of the record herein, the applicant filed with the City of Kankakee approximately 1,700 pounds of rock core samples.
2. The transportation and filing of said samples is unnecessary unless the Illinois Pollution Control Board desires to inspect said samples.
3. Said samples will be retained by the City of Kankakee until the disposition of this matter.

WHEREFORE, THE CITY OF KANKAKEE, requests the Illinois Pollution Control Board to waive the necessity of filing the rock core samples deposited as a part of the record herein.

Respectfully submitted,
City of Kankakee

By: 

Its Attorney

Christopher W. Bohlen
Corporation Counsel
City of Kankakee
385 East Oak Street
Kankakee, Illinois 60901
(815) 939-1133

STATE OF ILLINOIS)
COUNTY OF KANKAKEE)

CERTIFICATE OF MAILING

I, Anjanita Dumas do hereby certify that I mailed by regular mail a copy of the attached Certificate of Record to:

Byron Sandberg
P.O. Box 220
Donovan, Illinois 60931

Donald J. Moran
Pedersen & Houpt
Suite 3100
161 N. Clark Street
Chicago, Illinois 60601-3242

Edward Smith
Brenda Gorski
Kankakee County State's Attorney
450 East Court Street
Kankakee, Illinois 60901

Charles Helston
Richard Porter
Hinsahaw & Culbertson
100 Park Avenue
Rockford, Illinois 61105

George Mueller
Attorney at Law
501 State Street
Ottawa, Illinois 61350

by depositing the same in a United States Mail depository located at 385 East Oak Street, Kankakee, Illinois on October 23, 2003 before 5:00 P.M. with postage pre-paid.

Anjanita Dumas

Subscribed and sworn to before me this 23 day of October, 2003.

"OFFICIAL SEAL"
Notary Public **NANCY K. SMITHBERG**
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 02/16/05

Nancy K. Smithberg