

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DEC 2 2003

UNITED DISPOSAL OF BRADLEY, INC.,
and MUNICIPAL TRUST & SAVINGS BANK,
as Trustee Under Trust 0799,

Petitioners,

v.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

STATE OF ILLINOIS
Pollution Control Board

No. PCB 03-235

(Permit Appeal - Land)

NOTICE OF FILING

To: Please see attached Service List

PLEASE TAKE NOTICE that on December 2, 2003, we filed with the Illinois Pollution Control Board the following documents: (1) **PETITIONERS' UNITED DISPOSAL OF BRADLEY, INC.'S AND MUNICIPAL TRUST & SAVINGS BANK'S MOTION TO THE HEARING OFFICER FOR LEAVE TO FILE THEIR MOTION FOR SUMMARY JUDGMENT INSTANTER;** AND (2), **PETITIONERS UNITED DISPOSAL OF BRADLEY, INC.'S AND MUNICIPAL TRUST & SAVINGS BANK'S MOTION FOR SUMMARY JUDGMENT,** copies of which are attached hereto and served upon you.

Dated: December 2, 2003

Respectfully submitted,

UNITED DISPOSAL OF BRADLEY, INC., and
MUNICIPAL TRUST & SAVINGS BANK, as
Trustee Under Trust 0799

Jennifer J. Sackett Pohlenz
David E. Neumeister
QUERREY & HARROW, LTD.
175 W. Jackson Blvd., Suite 1600
Chicago, Illinois 60604
Phone: (312) 540-7000

By:


One of their attorneys

PROOF OF SERVICE

I, Ronnie Faith,* a non-attorney, certify that I served the following documents on the above referenced persons, by hand delivery, facsimile, and/or by depositing a copy in the U.S. mail at 175 W. Jackson, Chicago, Illinois (with proper postage prepaid and addressed to the address shown on the attached Service List, and/or at the facsimile number show on the attached Service List, as applicable), at or prior to the hour of 4:30 p.m. on December 2, 2003, as referenced in the attached Service List.

*Under penalties as provided by law pursuant to Ill. Rev. Stat. Chap.110-§1-109

I certify that the statements set forth herein are true and correct.



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SERVICE LIST

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thomson Center
100 West Randolph
Suite 11-500
Chicago, IL 60601

Via Hand Delivery

9 COPIES and 1 ORIGINAL

John J. Kim
Assistant Counsel
Special Asst. Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, IL 62794-9276
*Via U.S. Mail with Exhibits and
Via Facsimile without Exhibits*

Carol Sudman, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue, East
P.O. Box 19274
Springfield, IL 62794-9274
Via U.S. Mail with Exhibits

Joel J. Sternstein
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
Via U.S. Mail with Exhibits

DEC 2 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

UNITED DISPOSAL OF BRADLEY, INC.,
and MUNICIPAL TRUST & SAVINGS BANK,
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No. PCB 03-235

Petitioners,

(Permit Appeal - Land)

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ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

**PETITIONERS UNITED DISPOSAL OF BRADLEY, INC'S.
AND MUNICIPAL TRUST & SAVINGS BANK'S
MOTION TO THE HEARING OFFICER FOR LEAVE TO FILE
THEIR MOTION FOR SUMMARY JUDGMENT *INSTANTER***

Petitioners UNITED DISPOSAL OF BRADLEY, INC. and MUNICIPAL TRUST & SAVINGS BANK, as Trustee Under Trust 0799, by and through their attorneys, Jennifer J. Sackett Pohlenz and David E. Neumeister of QUERREY & HARROW, Ltd., move the Illinois Pollution Control Board Hearing Officer, pursuant to IPCB Rule 101.502(a), to enter an order granting leave to file *instanter* Petitioners' United Disposal of Bradley, Inc.'s and Municipal Trust & Savings Bank's Motion for Summary Judgment. In further support of their motion, Petitioners state as follows:

1. Pursuant to the Hearing Officer's Order dated November 24, 2003, the deadline for the parties in this action to file motions for summary judgment was December 1, 2003.
2. The attorney for the Respondent contacted the attorney for the Petitioner and requested to extend that deadline one day, to December 2, 2003, and the Petitioners have no objection to that request, so long as the extension is applied mutually for the benefit of both Petitioners and Respondent.

3. Additionally, due to other work commitments and an unplanned and unexpected business meeting requiring Petitioners' attorney, Jennifer J. Sackett Pohlenz, to be out of the office from approximately 12:30 p.m. to close of business on December 1, 2003, Petitioners likewise required the additional day, until December 2, 2003, to file their Motion for Summary Judgment.

4. No prejudice will result to any party if this Motion is granted.

5. None of the other briefing deadlines need to be changed as a result of this Motion.

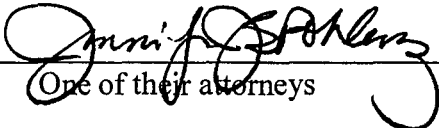
6. Based on its initiation of the request to extend the deadline from December 1 to December 2, 2003, Petitioner understands that Respondent has no objection to this Motion and, in fact, is filing its own Motion in this regard.

WHEREFORE, Petitioner, United Disposal of Bradley, Inc. and Municipal Trust & Savings Bank as Trustee Under Trust 0799, respectfully request the Illinois Pollution Control Board Hearing Officer enter an Order granting this Motion for Leave and allowing Petitioners' Motion for Summary Judgment to be filed *instanter*.

Dated: December 2, 2003

Respectfully submitted,

UNITED DISPOSAL OF BRADLEY, INC. and
MUNICIPAL TRUST & SAVINGS BANK, AS
TRUSTEE UNDER TRUST 0799

By: 
One of their attorneys

Jennifer J. Sackett Pohlenz
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Due to the volume of this pleading,
please contact the Clerk's Office

at

312/814-3629

to view this file.