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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD DEC 24 2003

BYRON SANDBERG,

Petitioner,

STATE OF ILLINOIS
Pollution Control Board

No. PCB 04-33

(Third-Party Pollution Control
Facility Siting Appeal)

THE CITY OF KANKAKEE, ILLINOIS CITY
COUNCIL, TOWN AND COUNTRY UTILITIES,
INC. and KANKAKEE REGIONAL LANDFILL,
L.L.C.

Respondents.

WASTE MANAGEMENT OF ILLINOIS, INC.,

Petitioner,

No. PCB 04-34

(Third-Party Pollution Control
Facility Siting Appeal)

THE CITY OF KANKAKEE, ILLINOIS CITY
COUNCIL, TOWN AND COUNTRY UTILITIES,
INC. and KANKAKEE REGIONAL LANDFILL,
L.L.C.

Respondents.

COUNTY OF KANKAKEE, ILLINOIS and
EDWARD D. SMITH, KANKAKEE COUNTY
STATE'S ATTORNEY,

Petitioner,

No. PCB 04-35

(Third-Party Pollution Control
Facility Siting Appeal)
(Consolidated)

THE CITY OF KANKAKEE, ILLINOIS CITY
COUNCIL, TOWN AND COUNTRY UTILITIES,
INC. and KANKAKEE REGIONAL LANDFILL,
L.L.C.

Respondents.

NOTICE OF FILING

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THE CITY OF KANKAKEE, ILLINOIS CITY
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L.L.C.

Respondents.

WASTE MANAGEMENT OF ILLINOIS, INC.,

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THE CITY OF KANKAKEE, ILLINOIS CITY
COUNCIL, TOWN AND COUNTRY UTILITIES,
INC. and KANKAKEE REGIONAL LANDFILL,
L.L.C.

Respondents.

BRIEF OF WASTE MANAGEMENT OF ILLINOIS, INC.

OPPOSING THE DECISION OF THE CITY OF KANKAKEE
GRANTING SITE LOCATION APPROVAL FOR
THE KANKAKEE REGIONAL LANDFILL

Petitioner, Waste Management of Illinois, Inc. ("WMII"), by its attorneys Pedersen & Houpt, submits the following as and for its opening brief in the above-captioned matter.

On March 7, 2003, Town & Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C. ("Town & Country") filed its second application with the City of Kankakee ("City") pursuant to Section 39.2 of the Illinois Environmental Protection Act ("Act"), requesting local siting approval for the Kankakee Regional Landfill, a new 400-acre sanitary landfill located in Otto Township at the southernmost limit of the City of Kankakee ("2003 Application"). Town & Country's first application was filed with the City approximately one year earlier on March 12, 2002 ("2002 Application"). On January 9, 2003, the Illinois Pollution Control Board ("Board") reversed the City's decision granting site location approval of the 2002 Application because criterion two of Section 39.2 of the Act was not met. County of Kankakee v. City of Kankakee, PCB 03-31, 03-33, 03-35 (cons.), slip op. at 27-28 (January 9, 2003). The 2003 Application requests siting approval for the same 400-acre landfill described in the 2002 Application. Even though the 2003 Application is substantially the same as the 2002 Application, the City reviewed the 2003 Application and, on August 18, 2003, granted local siting approval for the Kankakee Regional Landfill.

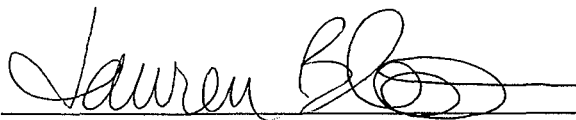
On or about December 23, 2003, Petitioners County of Kankakee, Illinois and Edward D, Smith as Kankakee County State's Attorney (collectively referred to herein as "County") filed a brief in the above-captioned matter seeking a reversal of the City's August 18, 2003 decision granting site location approval. WMII hereby adopts and incorporates the brief of the County,

and the arguments and analyses contained therein, for its own brief as though fully set forth herein.

For the reasons set forth in the County's brief, the City's decision granting site location approval for the Kankakee Regional Landfill should be reversed.

Respectfully submitted,

WASTE MANAGEMENT OF ILLINOIS, INC.

By 
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