

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JAN 12 2004

STATE OF ILLINOIS
POLLUTION CONTROL BOARD

BYRON SANDBERG,)
)
PETITIONER,)
)
vs.)
)
THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN AND COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.,)
)
RESPONDENTS.)

PCB 04-33
(Third-Party Pollution Control Facility
Siting Appeal)

WASTE MANAGEMENT OF ILLINOIS,)
INC.,)
)
PETITIONER,)
)
vs.)
)
THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN AND COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.,)
)
RESPONDENTS.)

PCB 04-34
(Third-Party Pollution Control Facility
Siting Appeal)

COUNTY OF KANKAKEE, ILLINOIS, and)
EDWARD D. SMITH, KANKAKEE)
COUNTY STATE'S ATTORNEY,)
)
PETITIONERS,)
)
vs.)
)
THE CITY OF KANKAKEE, ILLINOIS)
CITY COUNCIL, TOWN AND COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.,)
)
RESPONDENTS.)

PCB 04-35
(Third-Party Pollution Control Facility
Siting Appeal)
(Consolidated)

CITY'S RESPONSE TO STATEMENT FOR COSTS

Now comes the City of Kankakee and in response to the response filed by Waste Management of

Illinois, states as follows:

1. Waste Management objects to the assessment of costs for original transcripts. The objection is disingenuous. There cannot be any transcripts reproduced without the original transcripts.

2. To suggest that the City should provide copies of transcripts without being reimbursed for the payment of the original transcripts, from which the copies are reproduced, is indicative of the absurdity of the position.

3. Further, in the event that this matter were to be appealed beyond the Illinois Pollution Control Board, the Illinois Appellate Court will require the filing of the record. In such event, the contents of the record on appeal, pursuant to Illinois Supreme Court Rule 323, require the certification of each shorthand reporter who transcribes a report of proceedings. There is no provision for "copies" to be filed with the Illinois Appellate Court as the official record. Therefore, the original transcripts are required to be filed in order to obtain the copies required pursuant to Section 107.304 of the Administrative Code of the Pollution Control Board's Procedural Rules.

4. There is no prohibition against assessing costs for the purposes of the original transcripts in the case. The original transcripts are essential and, therefore, should be assessed as costs.

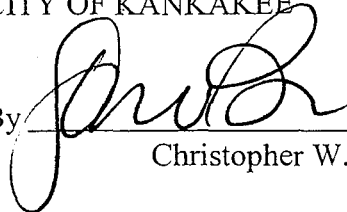
5. Section 107.306 of the Pollution Control Board's Procedural Rules provides that the petitioners must pay the cost of preparing and certifying the record to the Board. The cost of transportation is a reasonable cost that should be assessed against the petitioners herein.

WHEREFORE, the City of Kankakee requests this Board approve its statement of costs and require the petitioners herein to reimburse the City. In the event that no reimbursement occurs, the City requests the petitioners be prohibited from filing briefs and maintaining the status of petitioners herein.

Respectfully submitted,

CITY OF KANKAKEE

By



Christopher W. Bohlen

CHRISTOPHER W. BOHLEN
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Corporation Counsel
385 East Court Street
Kankakee, IL 60901
(815) 933-0500

STATE OF ILLINOIS
COUNTY OF KANKAKEE

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing instrument was mailed to:

Edward D. Smith
Kankakee County State's Attorney
Kankakee County Courthouse
450 East Court Street
Kankakee, IL 60901

Richard S. Porter
Hinshaw and Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

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

Donald J. Moran
Pederson & Hout
161 North Clark Street
Suite 3100
Chicago, IL 60601-3242

Byron Sandberg
109 Raub Street
Donovan, IL 60931

this 9 day of January, 2004, in an envelope properly addressed and with postage prepaid
by depositing said envelope in the United States Mail Chute at 200 East Court Street, Kankakee, Illinois,
on or before the hour of 5:00 o'clock p.m.

Sam Kay Porter

Subscribed and sworn to before me

this 9th day of January, 2004.

Sandra D. Workman
Notary Public

