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FEB 13 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

SALINE COUNTY LANDFILL, INC.,)
)
 PETITIONER,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 RESPONDENT.)

No. PCB 04-117
(PERMIT APPEAL)

PETITIONER'S RESPONSE TO COUNTY OF SALINE'S MOTION TO INTERVENE

Comes now Saline County Landfill, Inc., and objects to the County of Saline's Motion to Intervene, per 35 Illinois Administrative Code 101.402.

1. This response is timely, per 35 Illinois Administrative Code 101.302(b)(2) and 101.500(d). The certificate of service on the motion to intervene is dated January 27, 2004. A party's response is due in the mail no earlier than February 10.

2. Per 35 Illinois Administrative Code 101.402(e), "the Board may limit the rights of the intervenor as justice may require. The limits may include providing that: the intervenor is bound by Board and Hearing Officer Orders already issued or by evidence already admitted; that the intervenor does not control any decision deadline; and that the intervenor can not raise issues that were raised or might more properly have been raised at an earlier stage of the proceeding."

3. The hearing is set by Hearing Officer Order for March 3, 2004. The Parties have 28 days to respond to discovery, per 35 Illinois Administrative Code 101.618 (a), and 101.620(b).

4. Based upon the above-stated regulatory deadlines, and the hearing date Ordered by the Hearing Officer, the proposed intervenor can not submit interrogatories, requests to admit, or similar

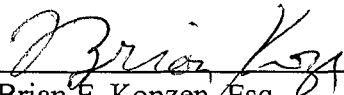
discovery, without delaying the hearing, unless a separate Order shortening discovery deadlines is consented to or otherwise entered.

5. Contrary to the inferences in paragraphs 3 and 5 of the motion to intervene, Saline County, as represented by the Saline County Board, repeatedly expressed support for the expansion of the Saline County Landfill, the ultimate issue in this permit appeal. See attached minutes of the Saline County Board meeting of February 27, 2003. See local siting approval of the Saline County Board of November 21, 1996, not attached but in the record. See attached correspondence from the Saline County Chairman and Chair of the Landfill Committee to the Environmental Protection Agency. See attached certification of local siting dated March 26, 2003. All these documents are in the record, and therefore do not require independent verification in this response to motion. Therefore, unlimited participation by the State's Attorney in this appeal, is not necessary to protect the citizens of Saline County from material prejudice or adverse effect. 35 Illinois Administrative Code 101.402(d)(2).

Therefore, the Petitioner, Saline County Landfill, Inc., objects to the motion to intervene by the Saline County State's Attorney. Should the motion to intervene be allowed, Petitioner requests an Order limiting the participation of the intervenor in this proceeding, ruling as follows:

- a. In the interest of avoiding unnecessary delay, that the proposed intervenor be barred from serving discovery, interrogatories, and requests to admit.
- b. That the proposed intervenor be bound by any Hearing Officer or Board Orders already issued.

- c. That the intervenor does not control any decision deadline.
- d. That the proposed intervenor can not raise issues that were raised or might properly have been raised at an earlier stage of the proceeding and
- e. For such other and further relief as the Hearing Officer or Board deem fair, just, and equitable.



Brian E. Konzen, Esq.
Lueders, Robertson & Konzen LLC
1939 Delmar, P.O. Box 735
Granite City, Illinois 62040
Phone: (618) 876-8500
ARDC No.: 06187626

Saline County Board Met:
Regular Scheduled Meeting
February 27, 2003

Called To Order: Charles Simpson
Roll Call: Willie McClusky
Prayer: Dylan Luce
Pledge: Dale Fowler

Meeting called to order by Chairman Simpson with all members present except Russell Duncan

Bob Oglesby made a motion to approve the minutes of the previous meeting. Blake McConnell seconded the motion, all in favor, motion carried.

Dylan Luce made a motion to approve the agenda. Georgia Cowger seconded the motion, all in favor, motion carried.

Kerry Camp made a motion to accept the Treasurer's Report. Bruce Allen seconded the motion. ROLL CALL VOTE, all members voting aye, motion carried.

Kerry Camp made a motion to authorize the Treasurer to secure an anticipation warrant in the amount up to \$100,000. Bruce Allen seconded the motion. ROLL CALL VOTE, all members voting aye except Bob Oglesby who voted nay, motion carried.

Kerry Camp made a motion to approve the Transfer of Claims. Mike Milstead seconded the motion. ROLL CALL VOTE, all members voting aye, motion carried.

Dylan Luce presented claims for reimbursement of some medical insurance premiums. After an explanation by Rod Wolf concerning this claim, Dylan Luce made a motion to approve all claims. Ryan Lambert seconded the motion. ROLL CALL VOTE, all members voting aye, motion carried.

Chuck Ingram reported that the Landfill Committee met in January with Egyptian Health Department. Chuck Ingram stated that the Landfill Committee learned that an assistant State's Attorney had been appointed by the Saline County Board to monitor the Saline County Landfill. The Landfill Committee recommended that Mr. Hedingers appointment be withdrawn.

Chuck Ingram made a motion to resend the appointment of Mr. Hedinger as Assistant State's Attorney for Environmental Affairs. Ryan Lambert seconded the motion, ROLL CALL VOTE, all members voting aye, motion carried.

There was a discussion concerning the Saline County Landfill permit. Representatives from the Saline County Landfill stated that the County was losing \$175,000 dollars per year due to the closing of the landfill.

Chuck Ingram made a motion that a letter be sent to give Saline County Landfill the right to pursue a permit as long as they meet all environmental requirements. Ryan Lambert seconded the motion. ROLL CALL VOTE, with the following members voting aye, Kerry Camp, Dale Fowler, Chuck Ingram, Ryan Lambert and Dylan Luce. Casting nay votes were Bruce Allen, Georgia Cowger and Bob Oglesby. Blake McConnell, Mike Milstead and Sue Myers abstained, motion carried.

Kerry Camp reported for the Negotiating Committee. A tentative settlement has been reached with the City of Harrisburg on the Intergovernmental Agreement on the 911 Central Dispatch Contract. No action was taken at this time.

Dale Fowler made a motion to approve Resolution R03-04 (furnishing Materials required for Maintenance 2003). Bruce Allen seconded the motion. ROLL CALL VOTE, all members voting aye, motion carried.

Dale Fowler made motion to approve Resolutions R03-05, R03-06, R03-07 and R03-08 (Resolutions involving improvements to County Highways 1, 30, 37 and 18). Georgia Cowger seconded the motion, ROLL CALL VOTE, all members voting aye, motion carried.

Georgia Cowger made a motion to concur with Chairman Simpson's following appointments; Bob Oglesby seconded the motion, all in favor, motion carried.

SALINE COUNTY HOUSING AUTHORITY

Michael Richey replacing Jesse Rister expires February 2008.

Carolyn Henshaw replacing Nena Thompson expires October 2003

Bob Oglesby made a motion to adjourn until March 27, 2003 at 7:00 pm. Georgia Cowger seconded the motion, all in favor, motion carried.

Charles "Bimp" Simpson Saline County Board Chairman

ATTEST:

Willie McClusky, Saline County Clerk

CERTIFICATION OF SITING APPROVAL (LPC-PA8)

Name of Applicant for Siting: Saline County Landfill, Inc.

Address of Siting Applicant: 5000 Whitesville Road, Harrisburg, IL 62946

Name of Site: Saline County Landfill Site Number (if assigned): 1658080001

Site Information: Nearest Municipality: Harrisburg County: Saline

Unit of local government from which siting approval was obtained: Saline County Board

1. On November 21, 1996, ~~XXXX~~, the County Board of Saline approved the site location suitability of Saline County Landfill
(Date) (Governing body of county or municipality)
(County or municipality) (Name of site)

as a new pollution control facility in accordance with Section 39.2 of the Illinois Environmental Protection Act, Ill. Rev. Stat., ch 111 1/2, Section 1039.2.

2. The Illinois EPA may need to verify the information on this form, please indicate a person from the unit of local government ("siting authority") whom a representative from the Illinois EPA may contact regarding this approval:
Charles Simpson, County Board Chairman, (618) 252-6905
(Name, title, and telephone number)

3. Identify the type of activity(ies) for which local siting approval was obtained:
waste storage (), sanitary landfill (), waste disposal (), waste transfer (),
waste treatment (), waste incinerator ().

4. Did the local siting authority approve the acceptance of special waste? Yes No
Did the local siting authority approve the acceptance of hazardous waste? Yes No

5. Attached to this certification is a true and correct statement of the legal descriptions of the site as it was approved by the aforementioned local siting authority. Yes No
(Note: A legal description must be attached to this document, by the local siting authority, to make the application complete)

6. Did the local siting authority impose any specific condition(s)? Yes No
If yes, is a copy of the conditions attached to this form? Yes No
(Note: These conditions are provided for information only to the Illinois EPA. The Illinois EPA is not obligated to monitor nor enforce local conditions.)

7. **This item is applicable only to landfills or disposal sites.**
 Was a legal description of horizontal and vertical waste boundaries approved? Yes ___ No X N/A ___
 (i.e., the waste envelop).
 If no, is there a maximum disposal capacity approved? (i.e., the waste envelop). Yes ___ No X N/A ___

If either of the questions under #7 above was answered yes, the legal description or maximum capacity must be attached to this form by the local siting authority to make the application complete.

8. The undersigned has been authorized by the County Board of
 (siting authority of county or municipality)
Saline to execute this certification on their behalf.
 (county or municipality)

Name: CHARLES W. SIMPSON

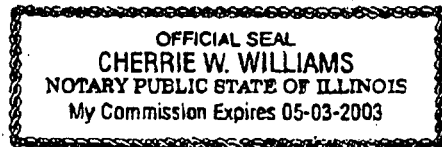
Signature: *Charles W. Simpson*

Title: Co. BOARD CHAIRMAN

SUBSCRIBED AND SWORN TO BEFORE ME

SEAL:

this 26 day of March, 2003



Cherrie W. Williams
 Notary Public

SALINE COUNTY BOARD

Charles Simpson, Chairman

SALINE COUNTY
COURTHOUSE

10 E POPLAR ST STE 26

HARRISBURG IL 62946

Telephone: (618) 252-6905

Fax: (618) 252-6905

Blake McConnell, Vice-Chairman
Bruce Allen
Kerry Camp
Georgia Cowger
Russell Duncan
Dale Fowler

Charles Ingram
Ryan Lambert
Dylan Luoe
Mike Milstead
Sue Myers
Charles Oglesby

October 29, 2002 ← *wrong Date*

Illinois Environmental Protection Agency
1021 N. Grand East
Springfield, IL 62794

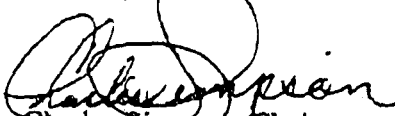
Attn: Joyce Mumie:

Dear Ms. Mumie:

This letter serves as support from the Saline County Board for the renewal of the present permit of Saline County Landfill and also for the new expansion permit that will be forthcoming, as long as all EPA requirements are meet.

If we can be of any further assistance please let us know.

Sincerely Yours


Charles Simpson, Chairman
Saline County Board


Charles Ingram, Chairman Landfill Committee

CS/hd

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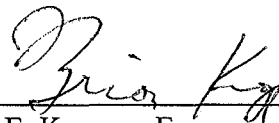
NOTICE OF FILING

John Kim, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Rod Wolf
Saline County State's Attorney
10 E. Poplar
Harrisburg, Illinois 62946

Carol Sudman, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Ave. East
PO Box 19274
Springfield, Illinois 62794-9274

Please take notice that I have today filed Petitioner's response to motion to intervene, and certificate of service, on behalf of Saline County Landfill, Inc., copies of which are herewith served upon you.



Brian E. Konzen, Esq.
Lueders, Robertson, Konzen LLC
1939 Delmar, P.O. Box 735
Granite City, Illinois 62040
Phone: (618) 876-8500
ARDC No.: 06187626

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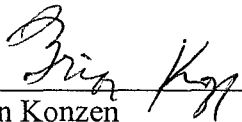
CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached response to motion to intervene, by first class mailing upon the following persons by depositing same in a US Post Office box at 5:00 PM in Granite City, IL, with first class postage fully prepaid and the envelopes addressed to the following persons, on this 10th day of February, 2004.

John Kim, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Carol Sudman, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Ave. East
PO Box 19274
Springfield, Illinois 62794-9274

Rod Wolf
Saline County State's Attorney
10 E. Poplar
Harrisburg, Illinois 62946



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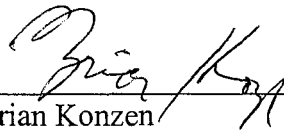
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RECYCLED PAPER CERTIFICATION

I, the undersigned, verify that the foregoing responses to motion to intervene was printed on recycled paper.



Brian Konzen