

ILLINOIS POLLUTION CONTROL BOARD
June 6, 2005

| | | |
|-------------------------------------|---|-----------------------------|
| WASTE MANAGEMENT OF ILLINOIS, INC., |) | |
| |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 04-186 |
| |) | (Pollution Control Facility |
| COUNTY BOARD OF KANKAKEE COUNTY, |) | Siting Appeal) |
| |) | |
| |) | |
| Respondent. |) | |

HEARING OFFICER ORDER

Hearing was held in this case on April 6-7, 2005. Premised on a July 21, 2005 due date, Hearing Officer Halloran set a briefing schedule requiring that petitioner Waste Management of Illinois Inc. (WMII) 's brief be filed by May 20, 2005, any amicus briefs by May 20, 2005, the County of Kankakee (County)'s brief June 3, 2005, and WMII's reply June 17, 2005. See hearing officer order of May 5, 2004.

In Hearing Officer Hallorans' absence on paternity leave, as his supervisor the undersigned is addressing pending motions regarding the briefs and briefing schedule. Although the time for filing objections to some of these motions has not yet run, these rulings are made today to insure that there is no question concerning the parties' obligations concerning further progress in this case.

MOTIONS RE TIME OF FILING

This order addresses the last-filed motion first, as it concerns the decision deadline as well as the briefing schedule. On June 3, 2005 WMII filed a motion to modify the briefing schedule as it relates to briefs due in June. The motion recites that the modification, sought by both WMII and the County, would have the County's brief due July 22, 2005 and WMII's reply brief due August 5, 2005. To facilitate the modification, WMII also filed a waiver of the decision deadline to and including September 16, 2005.

The motion to modify is granted as requested. The County's brief is now due to be filed on or before July 22, 2005 and WMII's reply brief on or before August 5, 2005. The mailbox rule does not apply, consistent with Hearing Officer Halloran's May 4, 2005 order.

Also pending is a motion filed by *amicus curiae* Merlin Karlock. On May 24, 2005, Mr. Karlock filed his brief, due May 20, 2005, along with a motion for leave to file instanter. That motion is also granted.

MOTIONS RE LENGTH

On May 13, 2005, WMII filed its 76-page brief, accompanied by a motion for leave to file a brief in excess of 50 pages. On May 23, 2005, Keith Runyon filed a 28-page brief, in excess of the extension of length from 20 to 27 pages authorized by Hearing Officer Halloran's May 12, 2005 order. Both motions are granted.

IT IS SO ORDERED.

Kathleen M. Crowley
Senior Attorney
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.6929