

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

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**BEFORE THE ILLINOIS
POLLUTION CONTROL BOARD**

**STATE OF ILLINOIS
Pollution Control Board**

CITY OF SPRINGFIELD, ILLINOIS)
a municipal corporation)

Petitioner,)

PCB No. 2006-137

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

Motion For Incorporation

CITY OF SPRINGFIELD, ILLINOIS, by its attorneys, hereby moves and requests the Board pursuant to Section 101.306 of the Board's regulations, to incorporate the records of prior Board proceedings into this proceeding, and in support thereof states as follows:

1. Petitioner, in the instant proceeding, has requested a variance from 35 Ill. Administrative Code 302.206.

2. Petitioner has previously requested the identical variance and the Board has granted such a variance to Petitioner in three previous proceedings, the subject matter of which was virtually identical to this proceeding. These proceedings before the Board were PCB No. 88-113, PCB No. 93-135, and PCB No. 00-179.

3. In PCB 88-113, a multi-day public hearing was held which included testimony by witnesses of the Petitioner or objectors. In PCB No. 93-135, Petitioner requested that the record of 88-113 be incorporated into 93-135, and the Board granted this request and relied upon that record in its decision. Likewise, in PCB 00-179, Petitioner requested the records of PCB 88-113 and PCB 93-135

be incorporated into PCB 00-179, and the Board likewise granted that request and relied upon those records in its decision.

4. If the Petitioner produced the same witnesses or substitutes for such witnesses for this proceeding as it called in 1988, the testimony of such witnesses would be substantially the same as in 1988, except where the Petitioner provided additional factual information in 1993, 2000 and with its Petition in this proceeding.

5. For all the foregoing reasons, the records of PCB No. 88-113, PCB No. 93-135 and PCB 00-179 are directly relevant to this proceeding.

6. Pursuant to 35 Ill. Administrative Code §101.306, Petitioner has filed four copies of the record of each of the prior proceedings with this Motion.

WHEREFORE, Petitioner respectfully requests that the accompanying records of PCB No. 88-113, 93-135 and 00-179 be incorporated into this proceeding.

Respectfully submitted

CITY OF SPRINGFIELD, ILLINOIS
a municipal corporation

By: 

Jenifer L. Johnson
Corporation Counsel
Municipal Center East
Springfield, Illinois 62757-0001
Telephone: 217-789-2393

William A. Murray
Office of Public Utilities
Municipal Center East
Springfield, Illinois 62757-0001
Telephone: 217-789-2116 extension 501
bmurray@cwlp.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the foregoing Motion and one set of Records for PCB Numbers 88-113, 93-135 and 00-179 by delivering a copy of all to:

Joey Logan-Wilkey
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Ninth Street
P.O. Box 19276
Springfield, Illinois 62794-9276

on the 16th day of February, 2006.



William A. Murray