

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEORIA DISPOSAL COMPANY,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>PCB 06-184</b>
	)	<b>(Pollution Control Facility Siting</b>
<b>PEORIA COUNTY BOARD,</b>	)	<b>Appeal)</b>
	)	
<b>Respondent.</b>	)	

**OBJECTION TO PETITIONER'S EXHIBITS TO BRIEF AND**  
**MOTION TO STRIKE**

**NOW COMES**, Respondent, the Peoria County Board, by and through its attorneys, and for this Objection to Petitioner's Exhibits to Brief and Motion to Strike, states as follows:

1. On or about January 8, 2007, a hearing in this matter was held at the Ito Society in Peoria, Illinois.
2. At the hearing, PDC offered only deposition transcripts, associated deposition exhibits, and videotapes and transcripts of County Board meetings.
3. PDC did not present any live witnesses or testimony, and did not offer any documents relating to costs it incurred during the siting proceedings.
4. As part of its post hearing Brief, PDC attached a number of documents as exhibits, particularly items listed as Exhibits 1, 2 and 3.
5. The exhibits purport to be invoices, receipts and an accounting relating to expenses allegedly incurred by PDC.

6. These documents were not part of the certified record in this appeal, were not offered or exchanged during discovery in this appeal, and were not offered by PDC as evidence at the January 8, 2007.

7. The first time PDC presented these documents were when it filed them attached to its post-hearing brief.

8. PDC could have, but elected not to, enter the documents at the hearing, apparently to attempt to gain some type of strategic advantage or surprise.

9. Exhibits 1, 2 and 3 to PDC's brief are not part of the certified record or the evidentiary record from the Board's hearing, and therefore are not appropriate to reference or include with its brief.

10. Exhibits 1, 2 and 3 are not accompanied by any affidavit or other document or testimony which would authenticate the documents.

11. Exhibits 1, 2 and 3 are not valid evidence in this appeal, and should be stricken from the record of these proceedings.

**WHEREFORE**, the Respondent, the Peoria County Board, respectfully requests the Board strike Exhibit 1, Exhibit 2, and Exhibit 3 to Petitioner's Brief.

DATED: April 5, 2006.

Respectfully submitted,

By \_\_\_\_\_  
David A. Brown, One of the Attorneys  
for Peoria County

**AFFIDAVIT OF SERVICE**

The undersigned, being duly sworn upon oath, states that a copy of the attached Motion for Extension of Time to Respond to Petitioner's First Set of Requests to Admit was served upon the following persons by enclosing such documents in separate envelopes, addressed as follows, and depositing said envelopes in the U.S. Postal Service mail box at Morton, Illinois on the 12<sup>th</sup> day of October, 2006, before 5:00 p.m., with all fees thereon fully prepaid and addressed as follows:

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

George Mueller, P.C.  
Attorney at Law  
609 Etna Road  
Ottawa, IL 61350

Brian J. Meginnes  
Elias, Meginnes, Riffle & Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, IL 61602

Dated: April 5, 2007.

---

David A. Brown

Subscribed and sworn to before me, a Notary Public, in the County and State as aforesaid, this 5<sup>th</sup> day of April, 2007.

---

Notary Public