

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

FOX MORaine, LLC,	)	
	)	
Petitioner	)	PCB 07-146
	)	(Pollution Control Facility Siting
v.	)	Appeal)
	)	
UNITED CITY OF YORKVILLE, CITY	)	
COUNCIL	)	

**NOTICE OF FILING**

TO: See attached service list

PLEASE TAKE NOTICE that the undersigned has, on this 25<sup>th</sup> day of July, 2007, caused to be filed with the Clerk of the Illinois Pollution Control Board, via electronic filing, the Motion to Intervene of Kendall County, Illinois, a copy of which is herewith served on you.

Jeep & Blazer, LLC



By: \_\_\_\_\_

Michael S. Blazer  
Special Counsel

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**SERVICE LIST**

**FOX MORaine, LLC V. UNITED CITY OF YORKVILLE  
PCB NO. 07-146**

**Hearing Officer:**

**Bradley P. Halloran**

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**For United City of Yorkville**

**Anthony G. Hopp**

**Thomas I. Matyas.**

**Leo P. Dombrowski**

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused a copy of the Motion to Intervene of Kendall County to be served, via facsimile transmission, upon all persons identified on the foregoing Service List on this 25<sup>th</sup> day of July, 2007.



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Michael S. Blazer



satisfy criteria 6 and 8 in §39.2 of the Illinois Environmental Protection Act, 415 ILCS 5/39.2(a)(vi) and (viii). Yorkville's siting denial was based, in part, on Fox Moraine's failure to satisfy criteria 6 and 8.

4. This intervention is sought by the County, through its State's Attorney, because of their interest in protecting the environment of the County and the health of persons who live and work in the County. In addition, a significant portion of the area surrounding the proposed landfill is in an unincorporated area of the County, and thus subject to the County's police power jurisdiction. As such, the representation by Yorkville of the County's residents, and of the County itself, may be inadequate. The County's residents may be materially prejudiced absent the County's intervention in this matter. See 35 IAC 101.402(d)(2), 107.202(b).

5. Numerous Appellate and Board decisions confirm that intervention by the County in similar situations is both authorized and appropriate. See, *e.g.*, *Pioneer Processing, Inc. v. IEPA*, 102 Ill.2d 119 (1984); *Land & Lakes Co. v. Village of Romeoville*, 245 Ill.App.3d 631, 640 (3d Dist. 1993); *Saline County Landfill, Inc. v. IEPA*, PCB 04-117, Slip Op. Cite at 2 (February 19, 2004); *Land & Lakes Co. v. Village of Romeoville*, PCB No. 94-195, Slip Op. Cite at 1 (September 1, 1994).

6. The County, through its undersigned State's Attorney and Special Counsel (acting under the authority of the State's Attorney), therefore requests that this Board grant it leave to intervene in this matter as a party, and to participate fully in support of Yorkville's denial of siting approval for the subject landfill, which does not comply with the requirements of §39.2 of the Act.

Respectfully submitted,  
Kendall County, Illinois



By: \_\_\_\_\_  
Michael S. Blazer  
Special Counsel

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PLEASE TAKE NOTICE that the undersigned has, on this 25<sup>th</sup> day of July, 2007, caused to be filed with the Clerk of the Illinois Pollution Control Board, via electronic filing, the Appearance of Michael S. Blazer, Special Counsel on behalf of Kendall County, a copy of which is herewith served on you.

Jeep & Blazer, LLC



By: \_\_\_\_\_

Michael S. Blazer  
Special Counsel

Eric C. Weis  
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**For United City of Yorkville**

**Anthony G. Hopp**

**Thomas I. Matyas.**

**Leo P. Dombrowski**

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused a copy of the Appearance of Michael S. Blazer to be served, via facsimile transmission, upon all persons identified on the foregoing Service List on this 25<sup>th</sup> day of July, 2007.



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Michael S. Blazer

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**APPEARANCE**

The undersigned hereby enters his Appearance in this matter on behalf of the  
Movant for Intervention, Kendall County, Illinois.

Kendall County, Illinois



By: \_\_\_\_\_  
Michael S. Blazer  
Special Counsel

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Jeep & Blazer, LLC



By: \_\_\_\_\_

Michael S. Blazer  
Special Counsel

Eric C. Weis  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused a copy of the Appearance of Eric C. Weis to be served, via facsimile transmission, upon all persons identified on the foregoing Service List on this 25<sup>th</sup> day of July, 2007.



---

Michael S. Blazer


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The undersigned hereby enters his Appearance in this matter on behalf of the  
Movant for Intervention, Kendall County, Illinois.

Kendall County, Illinois

By:   
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State's Attorney

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