

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

KIBLER DEVELOPMENT CORPORATION,)	
and MARION RIDGE LANDFILL, INC.,)	
Petitioner,)	
)	
v.)	PCB 07-43
)	PCB 05-35
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

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

Stephen F. Hedinger
Hedinger Law Officer
2601 South Fifth Street
Springfield, IL 62703

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a REPOSE TO MOTION TO DISMISS copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent

Melanie A. Jarvis
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: July 22, 2008

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KIBLER DEVELOPMENT CORPORATION,)	
and MARION RIDGE LANDFILL, INC.,)	
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ILLINOIS ENVIRONMENTAL)	
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RESPONSE TO MOTION TO DISMISS

NOW COMES Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, Melanie A. Jarvis, Assistant Counsel and Special Assistant Attorney General, who, pursuant to 35 Ill. Adm. Code 101.506, hereby respectfully responds to the Petitioners' Motion to Dismiss and in support of said motion, the Illinois EPA states as follows:

The Petitioner filed its motion to dismiss on July 18, 2008. The matters at issue in the above cases were settled by the parties. The Illinois EPA supports the Petitioners' Motion to dismiss.

CONCLUSION

For the reasons stated herein, the Illinois EPA respectfully requests that the Board grant the Petitioners' Motion to Dismiss.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent

Melanie A. Jarvis
Assistant Counsel, Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East, P.O. Box 19276
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Dated: July 22, 2008

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on July 22, 2008 I served true and correct copies of a RESPONSE TO MOTION TO DISMISS by the Board's COOL system and by placing true and correct copies thereof in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. Mail drop box located within Springfield, Illinois, with sufficient First Class postage affixed thereto, upon the following named persons:

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent

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