

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS,)	
INC. and KENDALL COUNTY LAND)	
AND CATTLE, LLC,)	PCB 09-43
)	
Petitioner)	(Pollution Control Board Facility Siting
)	Appeal)
v.)	
)	
COUNTY BOARD OF KENDALL)	
COUNTY, ILLINOIS,)	
)	
Respondent)	
)	

NOTICE OF FILING

To: All Counsel of Record, See Attached Service List

PLEASE TAKE NOTICE that the undersigned has, on this 13th day of February, 2009, caused to be filed with the Clerk of the Illinois Pollution Control Board, via electronic filing, the attached ***Motion for Extension of Time to File the Record*** on behalf of the County Board of Kendall County, Illinois, a copy of which is herewith served on you.

Respectfully submitted,

County Board of Kendall County, Illinois

By: /s/James S. Harkness

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PROOF OF SERVICE

Under penalties as provided by law, pursuant to Section 1-109 of the Code of Civil Procedure, Sabrina Sanders, the undersigned non-attorney certifies that she served a true and correct copy of the foregoing Notice of Filing and Motion for Extension of Time to File the Record, by (1) e-mail transmission and (2) U.S. Mail to all respective addresses as listed on the Service List from Lisle, Illinois 60532 on February 13, 2009.


Sabrina Sanders

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COUNTY BOARD OF KENDALL)	
COUNTY, ILLINOIS,)	
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Respondent)	
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS, INC.))	
and KENDALL COUNTY LAND AND)	
CATTLE, LLC,)	PCB 09-43
)	
Petitioners,)	(Pollution Control Board Facility
)	Siting Appeal)
vs.)	
)	
COUNTY BOARD OF KENDALL COUNTY,)	
ILLINOIS,)	
)	
Respondent.)	

MOTION FOR EXTENSION OF TIME TO FILE THE RECORD

NOW COMES Respondent, County Board of Kendall County, Illinois ("County Board"), by its attorneys MOMKUS McCLUSKEY, LLC, and as its Motion for Extension of Time to File the Record, states as follows:

1. The record in this matter is due today, February 13, 2009.
2. County Board's counsel picked up the certified record this morning, February 13, 2009, from the Kendall County Clerk's Office and intended to deliver it to the Illinois Pollution Control Board for filing ("PCB").
3. Upon review of record prepared by the Kendall County Clerk's Office, it does not meet the filing requirements of the PCB, pursuant to 35 Ill. Admin. Code §107.304(b). Specifically, it is currently not in chronological sequence, indexed or numbered sequentially, as required.
4. The record in this matter is voluminous. The landfill application alone fills over two (2) boxes. There were filed thousands of pages of exhibits and comments both before and after the public hearing. The County Board record, as delivered on February 13, 2009, consists of over thirty (30) bankers boxes. Counsel must now review these thirty (30) boxes to determine which constitute the record and then conform it to the requirements of the PCB.
5. Complicating the filing of the record was the President's Day holiday, for which the Kendall County Clerk's Office was closed.

6. The County Board requests that it be granted until February 24, 2009 to file the certified record so that enough time is given for its counsel to chronologically order, index and number the documents in the record. On February 13, 2009 counsel contacted a vendor to assist in copying and pagination. The earliest date provided for completion was Friday, February 20, 2009 at the end of business. Following, counsel will be required to create and certify the indexes and record to conform with the Pollution Control Board's requirements. The County Board believes that being given this extension to file the record will in no way hinder, delay or otherwise negatively impact these proceedings before the PCB. This is especially the case because new parties are still entering appearances in the case. On February 9, 2009, the Village of Minooka filed its appearance. In addition, on the eve of February 12, 2009 Kankakee Regional Landfill, LLC, also filed an Appearance and Motion for Leave to File Amicus Brief.

WHEREFORE, Respondent, County Board of Kendall County, Illinois, respectfully requests that the Illinois Pollution Control Board:

- 1) Grant an extension until Friday, February 20, 2009, for the County Board to file the certified record; and
- 2) Grant any further relief it deems just and necessary.

Respectfully submitted,

COUNTY BOARD OF KENDALL COUNTY
ILLINOIS

By: /s/James S. Harkness

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