

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINIOS,)
INC. and KENDALL LAND AND)
CATTLE, LLC,)

Petitioner,)

vs.)

COUNTY BOARD OF KENDALL)
COUNTY)

Respondent.)

PCB 09-43

(Pollution Control Facility Siting Appeal)

NOTICE OF FILING

TO: The Clerk of the Pollution Control Board and all parties of record:

PLEASE TAKE NOTICE that on this 12th day of February, 2009, George Mueller, the attorney for Kankakee Regional Landfill, LLC, filed via electronic filing the attached **Appearance and Motion for Leave to File Amicus Brief** with the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

KANKAKEE REGIONAL LANDFILL, LLC

By: 

Its Attorney

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Waste Management of Illinois, Inc., et al. v. County Board of Kendall County
PCB No. 09-43

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CERTIFICATE OF SERVICE

I, Sharon Twardowski, a non-attorney, certify that I served a copy of the foregoing **Notice of Filing, Appearance and Motion for Leave to File Amicus Brief** to the Hearing Officer and all Counsel of Record listed on the attached Service list, by sending it via Electronic Mail on February 13th, 2009, before 5:00 p.m.

Sharon Twardowski

[x] Under penalties as provides by law pursuant to ILL. REV. STAT. CHAP. 110-SEC 1-109, I certify that the statements set forth Herein are true and correct

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COUNTY BOARD OF KENDALL)
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(Pollution Control Facility Siting Appeal)

APPEARANCE

TO: The Clerk of the Pollution Control Board and all parties of record:

Please enter my appearance as counsel of record in this case for the following:

FOX MORaine, LLC

Dated February 12, 2009

Respectfully submitted,

KANKAKEE REGIONAL LANDFILL, LLC

By: 

Its Attorney

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MOTION FOR LEAVE TO FILE AMICUS BRIEF

NOW COMES Kankakee Regional Landfill, LLC, and moves for leave to file an Amicus Brief pursuant to 35 IAC 101.110(c) and as provided by law and to add Kankakee Regional Landfill, LLC, to the service list and in support thereof states and alleges as follows:

1. That on June 3, 2008, Waste Management of Illinois, Inc. and Kendall Land and Cattle, LLC, filed an Application for the siting of a new pollution control facility in Kendall County pursuant to 415 ILCS 5/39.

2. Public hearings on the Siting Application were conducted by the Kendall County Board on numerous days between September 11, 2008 and October 1, 2008.

3. On November 20, 2008, the Kendall County Board denied the Application for local siting approval.

4. Kankakee Regional Landfill, LLC, registered as a participant in the aforesaid siting hearings, actively participated in said siting hearings, filed evidence, cross-examined witnesses, presented expert testimony and submitted proposed findings of fact. Kankakee Regional Landfill, LLC's participation was in the nature of objection to the request for siting approval.

5. The decision of the Kendall County Board to deny the request for local siting approval was supported by the evidence and the law, and the proceedings leading up to said decision were fundamentally fair. However, there were additional reasons to deny the application for siting approval in addition to those adopted by the Kendall County Board as part of its resolution denying siting.

6. Kankakee Regional Landfill, LLC, has an interest in the outcome of this proceeding.

7. That pursuant to §101.110(c) and §101.628(c) of the General Rules of the Pollution Control Board, an *Amicus Curiae Brief* can be filed in any adjudicatory proceeding by any interested person provided permission is granted by the Board.

8. Kankakee Regional Landfill, LLC, is an interested party as set forth in §101.628(c) of the Board Rules and accordingly, permission should be granted allowing it to file an Amicus Brief and to be added to the Service List.

WHEREFORE Kankakee Regional Landfill, LLC, respectfully prays that the Illinois Pollution Control Board grant its motion to file an Amicus Brief and to be added to the Service List herein.

Respectfully submitted,

KANKAKEE REGIONAL LANDFILL, LLC

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