

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that the undersigned has, on this 17th day of July, 2009, caused to be filed with the Clerk of the Illinois Pollution Control Board, via electronic filing, the attached Post-Hearing Brief on behalf of Intervenor, Kendall County, Illinois, a copy of which is attached hereto .

Respectfully submitted,
Kendall County, Illinois

By: /s/James S. Harkness

James F. McCluskey
James S. Harkness
Jennifer L. Friedland
Momkus McCluskey, LLC
1001 Warrenville Road, Suite 500
Lisle, IL 60532
Tel: (630) 434-0400
Fax: (630) 434-0444
Attorneys for Intervenor, Kendall County
W:\26_59\4587.090013\Pleadings\NOF-Post Hearing Brief.doc

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

SERVICE LIST

For Petitioner

George Mueller

Mueller Anderson, P.C.
609 Etna Road
Ottawa, IL 61350
Tel: (815) 431-1500
Fax: (815) 431-1501
E-mail: george@muelleranderson.com

Charles F. Helsten

Richard Porter

Hinshaw & Culbertson, LLP
100 Park Avenue
Rockford, IL 61101
Tel: (815) 490-4900
Fax: (815) 490-4901
Email: chelsten@hinshawlaw.com
rporter@hinshawlaw.com

For Friends of Greater Yorkville

James Knippen

Walsh Knippen Knight & Pollick
2150 Manchester Road
Suite 200
Wheaton, IL 60187-2476

For Village of Plainfield

James Harvey

Buck, Hutchison & Ruffle
2455 Glenwood Avenue
Joliet, Illinois 60435
T: (815) 729-4800
jim@mckeownlawfirm.com

For Respondent

Anthony G. Hopp

Thomas I. Matyas

Leo P. Dombrowski

Wildman, Harrold, Allen & Dixon, LLP
225 West Wacker Drive, 30th Floor
Chicago, IL 60606
Tel: (312) 201-2000
Gen Fax: (312) 201-2555
Fax: (312) 416-4751 (A.Hopp)
E-mail: hopp@wildman.com
matyas@wildman.com
dombrowski@wildman.com

Hearing Officer

Bradley P. Halloran

Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
Email: hallorab@ipcb.state.il.us

Eric C. Weis

Kendall County State's Attorney
807 West John Street
Yorkville, IL 60560
Email: eweis@co.kendall.il.us

PROOF OF SERVICE

Under penalties as provided by law, pursuant to Section 1-109 of the Code of Civil Procedure, Jessica Tosh, the undersigned non-attorney certifies that she served a true and correct copy of the foregoing Notice of Filing and Post-Hearing Brief on behalf of Intervenor, Kendall County, Illinois on the Hearing Officer and all Counsel of Record via e-mail transmission on July 17, 2009, prior to 5:00 p.m.

/s/ Sabrina Sanders

Sabrina Sanders

James F. McCluskey
James S. Harkness
Jennifer L. Friedland
Momkus McCluskey, LLC
1001 Warrenville Road, Suite 500
Lisle, IL 60532
Tel: (630) 434-0400
Fax: (630) 434-0444
Attorneys for Intervenor, Kendall County
W:\26_59\4587.090013\Pleadings\NOF-Post Hearing Brief.doc

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

POST-HEARING BRIEF OF INTERVENOR, KENDALL COUNTY

NOW COMES Intervenor, KENDALL COUNTY, by and through its attorneys MOMKUS McCLUSKEY, LLC, and as and for its Post-Hearing Brief, states as follows:

1. Intervenor Kendall County adopts and incorporates herein Section III, Subsections E and F of the Post-Hearing Brief of Respondent, The United City of Yorkville.
2. Intervenor Kendall County also adopts and incorporates herein the Stipulation entered into by Fox Moraine, LLC and Intervenor Kendall County on April 21, 2009 in the matter of PCB No. 07-146, which, in summary, states that evidence related to Kendall County is limited to that in the record of the underlying proceedings conducted pursuant to 415 ILCS 5/39.2, *et. seq.*, and any written submissions following the 415 ILCS 5/40.1, *et. seq.* hearing. The Stipulation is attached hereto and incorporated herein as Exhibit A.

Respectfully submitted,

KENDALL COUNTY,

By: /s/ James S. Harkness
James S. Harkness

James F. McCluskey
James S. Harkness
Jennifer L. Friedland
MOMKUS McCLUSKEY, LLC
1001 Warrenville Road, Suite 500
Lisle, IL 60532
(630) 434-0400
(630) 434-0444 FAX
Attorneys for Intervenor, Kendall County

W:\26_59\4587.090013\Pleadings\Post-Hearing Brief.doc

EXHIBIT A

Signed: FOX MORaine, LLC

COUNTY OF KENDALL

By:

Charles F. Helsten
One of Their Attorneys

By:

One of Its Attorneys

Filed: 4/21/09