

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AMERICAN DISPOSAL SERVICES OF
ILLINOIS, INC.,

Petitioner,

v.

COUNTY BOARD OF MCLEAN COUNTY,
ILLINOIS, HENSON DISPOSAL, INC., and
TKNTK, LLC

Respondents.

No. PCB 11-60

(Pollution Control Facility Siting
Application)

ORIGINAL

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STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

TO: See Attached Proof of Service

PLEASE TAKE NOTICE that on August 24, 2011, we filed with the Illinois Pollution Control Board, the attached Petitioner's Motion for Leave to File Supplemental Response.

Dated: August 24, 2011

Respectfully submitted,

AMERICAN DISPOSAL SERVICES, INC.

By:


One of its attorneys

Jennifer J. Sackett Pohlenz
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PETITIONER'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL RESPONSE


Petitioner American Disposal Services of Illinois, Inc. ("ADS"), by and through its attorney, Jennifer J. Sackett Pohlenz at Clark Hill, PLC, moves the Illinois Pollution Control Board (Board) and Hearing Officer, (at the discretion of each as to who is to decide), to grant it leave to file a supplemental response to its June 23, 2011, brief in support of the reversal of the McLean County Board's siting decision on the basis of defective jurisdiction. A true and correct copy of the Supplemental Response that this Motion seeks to have filed is attached hereto as Exhibit A.

WHEREFORE, American Disposal Services of Illinois, Inc. respectfully requests the Illinois Pollution Control Board to grant it leave to file the Supplemental Response attached hereto as Exhibit A.

Dated: August 24, 2011

Respectfully submitted,

AMERICAN DISPOSAL SERVICES, INC.

By: 
One of its attorneys

Jennifer J. Sackett Pohlenz
Clark Hill, PLC
150 N. Michigan Avenue, Suite 2700
Chicago, Illinois 60601
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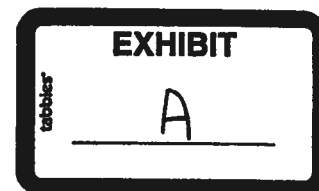
(Pollution Control Facility Siting
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**PETITIONER'S SUPPLEMENTAL RESPONSE TO THE
BOARD'S JUNE 2, 2011 ORDER**

Petitioner American Disposal Services of Illinois, Inc. ("ADS"), by and through its attorney, Jennifer J. Sackett Pohlenz at Clark Hill, PLC, supplements its June 23, 2011 response in support of the reversal of the McLean County Board's siting decision on the basis of defective jurisdiction as follows:

On July 20, 2011, the Illinois Environmental Protection Agency ("Illinois EPA") issued a development and operational permit to Henson Disposal, Inc. ("Henson") for the new pollution control facility that is the subject of this siting appeal. Since the date of permit issuance was subsequent to the date by which ADS had to respond to the Board's June 2, 2011 Order, ADS was not able to raise the issue of the permit issuance.

Although ADS has requested a copy of the Henson permit from Henson's attorneys (during the recent status conference on August 22, 2011) and, additionally, on August 16, 2011, from the Illinois EPA through the Freedom of Information Act, ADS has not received a copy of the permit. Notwithstanding, ADS is submitting this supplemental response to the Board to notify the Board of the issuance of the permit, such that if the Board determines the prerequisite



siting was not obtained by Henson due to lack of jurisdiction (as it is currently considering) or otherwise, it should also find that the permit is void.

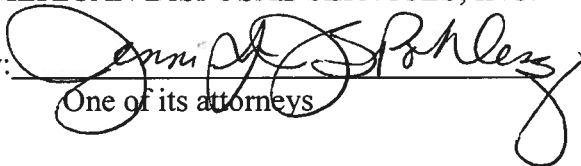
WHEREFORE, ADS respectfully requests the Illinois Pollution Control Board to reverse the siting approval for Henson. given by the McLean County Board on the basis that there was no jurisdiction for such a decision by the McLean County Board and find that the development and operational permit issued on or about July 20, 2011 for the Henson's proposed pollution control facility is void.

Dated: August 24, 2011

Respectfully submitted,

AMERICAN DISPOSAL SERVICES, INC.

By:


One of its attorneys

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STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I Ryan Spitzig, a non-attorney, swear or affirm that I served the foregoing **Notice of Filing and Petitioner's Motion for Leave to File Supplemental Response** on the following parties by facsimile, hand delivery, e-mail, and/or depositing same in the U.S. mail, as indicated below, from 150 N. Michigan Avenue, Suite 2700, Chicago, Illinois 60602, before 5:00 p.m. on this 24th day of August 2011.

Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Suite 11-500 Chicago, Illinois 60601 Original & 9 Copies (10 total) via hand delivery	Hearing Officer Carol Webb Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, Illinois 62794-9274 Via E-mail (webbc@ipcb.state.il.us)
Richard T. Marvel Attorney at Law 202 N. Center Street, Suite 2 Bloomington, IL 61701 Via Fax 309.827-8139 & E-mail (marvelr@me.com) Attorney for Respondents Henson Disposal, Inc. and TKNTK, LLC	Amy Jackson Rammelkamp Bradney, P.C. 232 West State Street Jacksonville, Illinois 62650 Via Fax 217. 243-7322 & E-mail (ajackson@rblawyers.net) Co-Counsel for Respondents Henson Disposal, Inc. and TKNTK, LLC
Hanna Eisner McLean County State's Attorney's Office 104 W. Front Street, Rm. 605 Bloomington, IL 61702 Via Fax 309.888-5429 E-mail (hannah.eisner@mcleancountyil.gov)	

ORIGINAL

Under penalties as provided by law pursuant to Illinois Rev. Stat. Chap. 110-, Sec. 1-109, I do certify that the statements set forth herein are true and correct.


Ryan Spitzig