

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
MAHOMET VALLEY WATER AUTHORITY,)	
CITY OF CHAMPAIGN, ILLINOIS, a municipal)	
corporation, DONALD R. GERARD,)	
CITY OF URBANA, ILLINOIS, a municipal corporation,)	
LAUREL LUNT PRUSSING,)	
CITY OF BLOOMINGTON, ILLINOIS,)	
a municipal corporation, COUNTY OF CHAMPAIGN,)	
ILLINOIS, COUNTY OF PIATT, ILLINOIS,)	
TOWN OF NORMAL, ILLINOIS, a municipal)	
corporation, VILLAGE OF SAVOY, ILLINOIS,)	
a municipal corporation, and CITY OF DECATUR,)	
ILLINOIS, a municipal corporation,)	
)	
Complainants,)	
)	PCB 2013 – 022
PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Intervenor,)	
)	
v.)	
)	(Enforcement - Land)
CLINTON LANDFILL, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

TO: All Parties of Record

PLEASE TAKE NOTICE that on November 15, 2013, I filed the following documents electronically with the Clerk of the Pollution Control Board of the State of Illinois:

1. Notice of Electronic Filing;
2. National Solid Wastes Management Association's Motion for Leave to File Supplemental Amicus Curiae Brief Responding to Motion to Reconsider; and

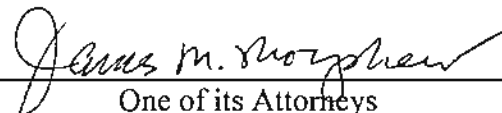
3. National Solid Waste Management Association's Supplemental Amicus Curiae Brief Responding to Motion to Reconsider.

Copies of the above listed documents are being served upon you via U.S. Mail, first class postage prepaid, sent on November 14, 2013, as is stated in the Certificate of Service appended hereto.

Respectfully submitted,

NATIONAL SOLID WASTES MANAGEMENT
ASSOCIATION, Amicus Curiae

BY:


One of its Attorneys

Sorling Northrup
James M. Morphey, of counsel
1 North Old State Capitol Plaza, Suite 200
P.O. Box 5131
Springfield, IL 62705
Telephone: 217/544-1144
Telefax: 217/522-3173

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
MAHOMET VALLEY WATER AUTHORITY,)	
CITY OF CHAMPAIGN, ILLINOIS, a municipal)	
corporation, DONALD R. GERARD,)	
CITY OF URBANA, ILLINOIS, a municipal corporation,)	
LAUREL LUNT PRUSSING,)	
CITY OF BLOOMINGTON, ILLINOIS,)	
a municipal corporation, COUNTY OF CHAMPAIGN,)	
ILLINOIS, COUNTY OF PIATT, ILLINOIS,)	
TOWN OF NORMAL, ILLINOIS, a municipal)	
corporation, VILLAGE OF SAVOY, ILLINOIS,)	
a municipal corporation, and CITY OF DECATUR,)	
ILLINOIS, a municipal corporation,)	
)	
Complainants,)	
)	PCB 2013 – 022
PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Intervenor,)	
)	
v.)	
)	(Enforcement - Land)
CLINTON LANDFILL, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

**MOTION FOR LEAVE TO FILE
SUPPLEMENTAL AMICUS CURIAE BRIEF
RESPONDING TO MOTION TO RECONSIDER**

NOW COMES the NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION, Amicus Curiae (“NSWMA”), by and through its undersigned attorneys, and as and for its Motion for Leave to File Supplemental Amicus Curiae Brief Responding to Motion to Reconsider pursuant to 35 Ill. Adm. Code 101.110(c), states as follows:

1. The mission of NSWMA is to promote the management of waste in a manner that is environmentally responsible, efficient, profitable and ethical, while benefiting the public and

protecting employees. NSWMA's members operate in all 50 states and the District of Columbia, and consist of large publicly-traded companies and both small and large privately-owned companies.

2. NSWMA is an interested person in relation to this case.

3. NSWMA believes that it can offer argument that will assist the Board in its consideration of the Motion to Reconsider filed on October 25, 2013 in this case.

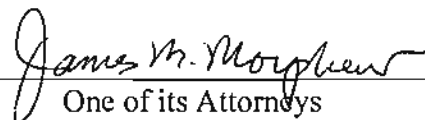
4. The Board previously granted NSWMA leave to file an *amicus curiae* brief in this case. (See Opinion and Order entered September 19, 2013, pg. 4).

5. NSWMA seeks permission from the Board to file the Supplemental Amicus Curiae Brief attached herewith, instant, pursuant to and in accordance with 35 Ill. Adm. Code 101.110(c).

WHEREFORE, NSWMA respectfully requests that the Board grant it leave to file the attached Supplemental Amicus Curiae Brief, instant.

Respectfully submitted,

NATIONAL SOLID WASTES MANAGEMENT
ASSOCIATION, Amicus Curiae

By: _____
One of its Attorneys

Sorling Northrup
James M. Morphew, of counsel
1 North Old State Capitol Plaza, Suite 200
P.O. Box 5131
Springfield, IL 62705
Telephone: 217/544-1144
Telefax: 217/522-3173

CERTIFICATE OF SERVICE

The undersigned certifies that on November 15, 2013, the foregoing document (including the Notice of Electronic Filing and the Motion for Leave to File Supplemental Amicus Curiae Brief Responding to Motion to Reconsider) will be served upon each party by enclosing a true copy of same in an envelope addressed to the attorney of record of each party or the party as listed below, with FIRST CLASS postage fully prepaid, and depositing each of said envelopes in the United States Mail at 5:00 p.m. on said date.

David L. Wentworth II
David B. Wiest
Hasselberg, Williams, Grebe,
Snodgrass & Birdsall
124 SW Adams Street, Suite 360
Peoria, IL 61602-1320

Albert Ettinger
53 West Jackson Street, Suite 1664
Chicago, IL 60604

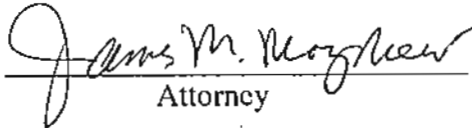
Thomas E. Davis, Bureau Chief
Environmental Bureau/Springfield
Illinois Attorney General's Office
500 South Second Street
Springfield, IL 62706

Tony Martig
Toxics Program Section Chief
USEPA Region 5 (Mail Code LC-8J)
77 W. Jackson Boulevard
Chicago, IL 60604-3507

Lisa Bonnett, Director
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Brian J. Meginnes, Esq.
Janaki Nair, Esq.
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602

Michael S. Blazer, Esq.
Jeffery D. Jeep, Esq.
Jeep & Blazer, L.L.C.
24 North Hillside Avenue, Suite A
Hillside, IL 60162


Attorney

Sorling Northrup
James M. Morphey, Esq., of counsel
1 North Old State Capitol Plaza, Suite 200
P.O. Box 5131
Springfield, IL 62705
Telephone: 217/544-1144
Telefax: 217/522-3173

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
MAHOMET VALLEY WATER AUTHORITY,)	
CITY OF CHAMPAIGN, ILLINOIS, a municipal)	
corporation, DONALD R. GERARD,)	
CITY OF URBANA, ILLINOIS, a municipal corporation,)	
LAUREL LUNT PRUSSING,)	
CITY OF BLOOMINGTON, ILLINOIS,)	
a municipal corporation, COUNTY OF CHAMPAIGN,)	
ILLINOIS, COUNTY OF PIATT, ILLINOIS,)	
TOWN OF NORMAL, ILLINOIS, a municipal)	
corporation, VILLAGE OF SAVOY, ILLINOIS,)	
a municipal corporation, and CITY OF DECATUR,)	
ILLINOIS, a municipal corporation,)	
)	
Complainants,)	
)	PCB 2013 – 022
PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Intervenor,)	
)	
v.)	
)	(Enforcement - Land)
CLINTON LANDFILL, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

**SUPPLEMENTAL AMICUS CURIAE BRIEF
RESPONDING TO MOTION TO RECONSIDER**

NOW COMES the NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION, Amicus Curiae (“NSWMA”), by and through its undersigned attorneys, and as and for its Supplemental Amicus Curiae Brief, filed pursuant to 35 Ill. Adm. Code §101.110(c), responding to the Motion to Reconsider filed on October 25, 2013, by the Complainants, MAHOMET VALLEY WATER AUTHORITY, CITY OF CHAMPAIGN, ILLINOIS, a municipal corporation, DONALD R. GERARD, CITY OF URBANA, ILLINOIS, a municipal corporation, LAUREL LUNT PRUSSING, CITY OF BLOOMINGTON, ILLINOIS, a municipal

corporation, COUNTY OF CHAMPAIGN, ILLINOIS, COUNTY OF PIATT, ILLINOIS, TOWN OF NORMAL, ILLINOIS, a municipal corporation, VILLAGE OF SAVOY, ILLINOIS, a municipal corporation, and CITY OF DECATUR, a municipal corporation (collectively, the "Complainants"), and by the Illinois Attorney General's office, purporting to represent the People of the State of Illinois (the "Intervenor"), states as follows:

The Complainants and the Intervenor have filed a motion requesting that the Pollution Control Board (the "Board") reconsider certain findings in the Board's Opinion and Order entered on September 19, 2013 (the "Order"), dismissing this case. For the reasons stated in the Response in Opposition to the Motion to Reconsider filed by Clinton Landfill, Inc., with which NSWMA joins, and for the reasons set forth here, NSWMA believes that the challenged findings were correctly decided by the Board, and respectfully submits that the Motion to Reconsider should be denied.

The concerns raised in NSWMA's Amicus Curiae Brief filed previously in this matter are highlighted by the Motion to Reconsider, insofar as the movants essentially argue that local siting decisions and permits issued by the Illinois Environmental Protection Agency (the "Agency") should be subject to review at *any time* in enforcement cases brought before the Board by *any person* under 415 ILCS §5/31. The purpose of the limited siting appeal procedures under the Illinois Environmental Protection Act, 415 ILCS §5/1, *et seq.* (the "Act"), and the limited permit appeal procedures under the Act, is to ensure that local siting approvals and Agency permits become, at some point, final and unappealable. Without this certainty, the development of pollution control facilities would grind to a halt.

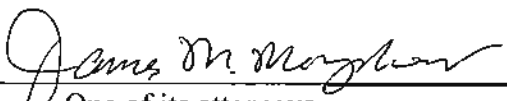
Based on the foregoing arguments, those made in NSWMA's previously-filed Amicus Curiae Brief, and in Clinton Landfill, Inc.'s Response in Opposition to the Motion to Reconsider,

it is apparent that the findings in the Order that are challenged in the Motion to Reconsider were properly decided by the Board.

WHEREFORE, NSWMA respectfully requests that the Board deny the Motion to Reconsider.

Respectfully submitted,

NATIONAL SOLID WASTES MANAGEMENT
ASSOCIATION, Amicus Curiae

By: 
One of its attorneys

Sorling Northrup
James M. Morphey, of counsel
1 North Old State Capitol Plaza, Suite 200
P.O. Box 5131
Springfield, IL 62705
Telephone: 217/544-1144
Telefax: 217/522-3173

CERTIFICATE OF SERVICE

The undersigned certifies that on November 15, 2013, the foregoing document (including the Notice of Electronic Filing and the supplemental Amicus Curiae Brief Responding to Motion to Reconsider) will be served upon each party by enclosing a true copy of same in an envelope addressed to the attorney of record of each party or the party as listed below, with FIRST CLASS postage fully prepaid, and depositing each of said envelopes in the United States Mail at 5:00 p.m. on said date.

David L. Wentworth II
David B. Wiest
Hasselberg, Williams, Grebe,
Snodgrass & Birdsall
124 SW Adams Street, Suite 360
Peoria, IL 61602-1320

Albert Ettinger
53 West Jackson Street, Suite 1664
Chicago, IL 60604

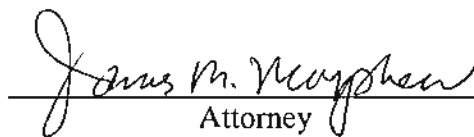
Thomas E. Davis, Bureau Chief
Environmental Bureau/Springfield
Illinois Attorney General's Office
500 South Second Street
Springfield, IL 62706

Tony Martig
Toxics Program Section Chief
USEPA Region 5 (Mail Code LC-8J)
77 W. Jackson Blvd.
Chicago, IL 60604-3507

Lisa Bonnett, Director
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Brian J. Meginnes, Esq.
Janaki Nair, Esq.
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, IL 61602

Michael S. Blazer, Esq.
Jeffery D. Jeep, Esq.
Jeep & Blazer, L.L.C.
24 North Hillside Avenue, Suite A
Hillside, IL 60162


Attorney

Sorling Northrup
James M. Morphey, Esq., of counsel
1 North Old State Capitol Plaza
Suite 200
P.O. Box 5131
Springfield, IL 62705
Telephone: (217) 544-1144
Facsimile: (217) 522-3173