

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLINTON LANDFILL, INC.,)	
)	
Petitioner,)	PCB 2015-060
)	(Permit Appeal)
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

TO: All Parties of Record

PLEASE TAKE NOTICE that on September 22, 2014, I filed the following documents electronically with the Clerk of the Pollution Control Board of the State of Illinois:

1. Motion to Withdraw Motion for Order Regarding Stay
2. Notice of Electronic Filing

Copies of the above-listed documents were served upon you in the manner stated in the Certificate of Service attached hereto.

Respectfully submitted,

CLINTON LANDFILL, INC.,
Petitioner

By:  _____

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914-1007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLINTON LANDFILL, INC.,)	
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Petitioner,)	PCB 2015-060
)	(Permit Appeal)
v.)	
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ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
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MOTION TO WITHDRAW
MOTION FOR ORDER REGARDING STAY

NOW COMES the Petitioner, CLINTON LANDFILL, INC. (“CLI”), by and through its undersigned attorneys, and as and for its Motion to Withdraw the Motion for Order Regarding Stay which CLI filed with its Petition for Review of Modification No. 47 to Permit No. 2005-070-LF on August 28, 2014, states as follows:

CLI filed its Motion for Order Regarding Stay on August 28, 2014, seeking to stay the effectiveness of Modification No. 47 to Permit No. 2005-070-LF, which was issued by the Illinois Environmental Protection Agency (the “Agency”) on July 31, 2014, during the pendency of this case. CLI sought to operate under Modification No. 46 to Permit No. 2005-070-LF, which was issued by the Agency on July 30, 2014, instead, while this case is pending.

On September 18, 2014, the Agency issued Modification No. 48 to Permit No. 2005-070-LF, at CLI’s request. In Modification No. 48, the Agency altered the conditions governing the use of certain products as alternative daily cover material at Clinton Landfill No. 3. Modification No. 48 incorporates all changes made to Permit No. 2005-070-LF since its initial issuance, including the changes made in Modification No. 47 that are on appeal in this case. CLI will be

filing a Petition for Review of Modification No. 48 insofar as it incorporates the changes made by the Agency in Modification No. 47, along with a Motion to Consolidate the petition for review of Modification No. 48 with this case. (*See* Petition for Review, pg. 4, ¶16 and fn.1).


However, CLI *is not* intending to seek a *stay* of Modification No. 48, even though it does incorporate the changes made by the Agency in Modification No. 47. Therefore, the Motion for Order Regarding Stay previously filed in this case as to the changes made by the Agency in Modification No. 47 is effectively moot. For this primary reason, CLI now desires to withdraw its Motion for Order Regarding Stay in this case.

Furthermore, since the issuance of Modification No. 47 on July 31, 2014, CLI has actually been operating as though Modification No. 47 was not stayed. As CLI has publically stated, CLI intends to abide by the changes made in Modification No. 47 during the pendency of this case in good faith, even though those changes were not properly issued.

WHEREFORE, CLI respectfully requests that the Board or the Hearing Officer enter an Order reflecting that CLI has withdrawn its Motion for Order Regarding Stay previously filed in this case, without prejudice to CLI's right to challenge the changes to Permit No. 2005-070-LF made in Modification No. 47, as stated in CLI's Petition for Review.

Respectfully submitted,

CLINTON LANDFILL, INC.,
Petitioner

By: 

One of its attorneys

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CERTIFICATE OF SERVICE

The undersigned certifies that on September 22, 2014, the foregoing document will be served upon each party to this case in the following manner:

- 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.
- Enclosing a true copy of same in an envelope addressed to the attorney of record of each party or the party as listed below, for delivery by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, and depositing each of said envelopes in the United States Mail at 5:00 p.m. on said date.
- Personal delivery to the attorney of record of each party at the address(es) listed below.
- EMAIL with confirmation by United States Mail
- Via Federal Express - Express Package Service - Priority Overnight

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