

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

NOV 23 2015

STATE OF ILLINOIS  
Pollution Control Board

WILL COUNTY, ILLINOIS )

Petitioner, )

v. )

VILLAGE OF ROCKDALE, BOARD OF )  
TRUSTEES OF VILLAGE OF ROCKDALE )  
and ENVIRONMENTAL RECYCLING AND )  
DISPOSAL SERVICES, INC. )

Respondents. )

PCB 16-54  
(Third-Party Pollution  
Control Facility Siting Appeal)

\_\_\_\_\_  
WASTE MANAGEMENT OF ILLINOIS, INC. )

Petitioner, )

v. )

VILLAGE OF ROCKDALE, BOARD OF )  
TRUSTEES OF VILLAGE OF ROCKDALE )  
and ENVIRONMENTAL RECYCLING AND )  
DISPOSAL SERVICES, INC. )

Respondents. )

PCB 16-56  
(Third-Party Pollution Control  
Facility Siting Appeal)

(Consolidated)

 ORIGINAL

NOTICE OF FILING

On Monday, November 23, 2015, I transmitted the original record along with three paper copies and the Certificate of Record on Appeal via Messenger Delivery to John Therriault, Clerk of the Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601.



Robert M. Joutas, Village Clerk  
Village of Rockdale

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepared, and by depositing said envelope in a U.S. Post Office Mail Box in Joliet, Illinois, on the 23<sup>rd</sup> day of November, 2015.

  
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Chicago, IL 60601

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(Consolidated)

**CERTIFICATE OF RECORD ON APPEAL**

In accordance with the Illinois Pollution Control Board's procedural requirements, I, Robert M. Joutras, Clerk of the Village of Rockdale, hereby certify that the documents enclosed and described in the attached Index to Record of Proceedings, are true and accurate copies of the documentation deposited in the official files and records of this office regarding the Application

for Local Siting Approval for the Moen Transfer Station filed by Environmental Recycling and Disposal Services with Rockdale Village Clerk on December 12, 2014.

Dated this 23<sup>rd</sup> day of NOVEMBER, 2015.



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Robert M. Joutras  
Clerk of the Village of Rockdale

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|-----|---|-------------|
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| 18. | 3/18/15 Review of Moen Transfer Station Siting Application Criterion 1 Need Report, Rockdale Illinois prepared by URS dated March 17, 2015  | C1340-C1394 |
| 19. | 3/19/15 Public Hearing – Parties of Record – Appearance & email to D. Price   | C1395-C1396 |
| 20. | 3/19/15 Review of Moen Transfer Station Siting Application Criterion 1 Need Report, Rockdale Illinois prepared by URS dated March 17, 2015 w/ cover letter (Electronic)   | C1397-C1453 |
| 21. | Exhibits from March 23 and 24, 2015 Hearing   |             |
|     | A. Exhibit 1 Application for Local Siting Approval Moen Transfer Station  | C37-C841    |
|     | B. Exhibit 2 Ordinance 1007 (Host Agreement)  | C1454-C1468 |
|     | C. Exhibit 3 Environmental Recycling and Disposal Service Affidavit Of Compliance with 415 ILCS 5/39.2(b), which includes publication and certified mail receipts   | C1469-C1538 |
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|     | E. Exhibit 5 Environmental Recycling and Disposal Service ERRATA to Application for Local Siting Approval   | C1568-C1618 |
|     | F. Exhibit 6 John Hock Curricula Vitae  | C1619-C1625 |
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|     | H. Exhibit 8 Statement of Professional Qualifications Dale Kleszynski   | C1693-C1698 |
|     | I. Exhibit 9 Michael Werthmann Curricula Vitae  | C1699-C1700 |
|     | J. Exhibit 10 Sheryl Smith Curricula Vitae  | C1701-C1707 |
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|     | N. Exhibit 14 Waste Management Joliet Transfer Station Operations and Daily Tonnage   | C1774-C1795 |
|     | O. Exhibit 15 Aerial photograph of Joliet Transfer Station used by Waste Management of Illinois, Inc.   | C1796       |
|     | P. Cover letter dated April 2, 2015 from Donald J. Moran with three copies of Exhibit 15 which was presented at the Public Hearing on March 24, 2015  | C1797-C1798 |
| 22. | 5/13/15 Cover letter dated May 12, 2015 from Donald J. Moran (received by the Village of Rockdale with stamp dated May 13, 2015); Notice of Filing by Donald J. Moran; Proposed Moen Transfer Station Rockdale, Illinois Review of Siting Criterion 2 prepared by Golder Associates, Inc. dated May, 2015 | C1799-C1822 |

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	C. Exhibit 18 C12.0 drawing from application	C1880
	D. Exhibit 19 marked up C5.0 drawing from application	C1881
	E. Exhibit 20 Recorded Grant of Water Main Easement from IRE Enterprises LLC to Schloss Development, LLC.	C1882-C1888
	F. Exhibit 21 Settlement Agreement between Waste Management of Illinois, Inc. and Village of Rockdale dated 2/17/93	C1889-C1895
	G. Exhibit 22 5/20/15 letter from A Storage Place LLC to whom it may concern	C1896
	H. Exhibit 23 Notice of Filing dated May 13, 2015 by Donald J. Moran and Proposed Moen Transfer Station, Rockdale, Illinois Review of Siting Criterion 2 prepared for Pedersen & Houpt by Golder Associates, Inc. dated May, 2015	C1897-C1919
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	M. Exhibit 28 Moen Transfer Station Local Siting Hearing Criterion 1 Rebuttal Information Presented by Civil and Environmental Consultants, Inc. dated May 20, 2015	C1963-C1966
	N. Exhibit 29 Moen Transfer Station Local Siting Hearing Criterion 2 Rebuttal Information Presented by Civil & Environmental Consultants, Inc. dated May 20, 2015	C1967-C1984
26.	5/29/15 Written Public Comment dated 5/26/15 by Flood Brothers	C1985
27.	6/3/15 Written Public Comment dated 6/1/15 by K. Hoving Recycling	C1986
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135.	6/19/15	Written Public Comment by Ana Espinoza	C2096
136.	6/19/15	Written Public Comment by Antoinette Gawenda	C2097
137.	6/19/15	Written Public Comment by Maxwell Gawenda	C2098
138.	6/19/15	Written Public Comment by Karl Gawenda	C2099
139.	6/19/15	Written Public Comment by Hannah Gawenda	C2100
140.	6/19/15	Written Public Comment by Louis S. Hancin	C2101
141.	6/19/15	Written Public Comment by Tracy Lorenc	C2102
142.	6/19/15	Written Public Comment by Thomas Juhnke	C2103
143.	6/19/15	Written Public Comment by Nancy Juhnke	C2104
144.	6/22/15	Written Public Comment by Dawn Downey	C2105
145.	6/22/15	Written Public Comment dated 6/20/15 by Mark Alexa	C2106
146.	6/22/15	Written Public Comment by Tracey Mercado	C2107
147.	6/22/15	Written Public Comment by Audrey Zupancic	C2108
148.	6/22/15	Written Public Comment by Cheryl Zupancic	C2109
149.	6/22/15	Written Public Comment by Loretta Condos	C2110
150.	6/22/15	Written Public Comment by Jami Condos	C2111
151.	6/22/15	Written Public Comment dated 6/18/15 by John Olvera Jr. and Linda C. Olvera	C2112
152.	6/22/15	Written Public Comment dated 6/17/15 by Lucy Domagalla	C2113
153.	6/22/15	Written Public Comment dated 6/17/15 by Danielle Rosas	C2114
154.	6/22/15	Written Public Comment dated 6/22/15 by Robert Joutras	C2115-C2116
155.	6/22/15	Notice of Filing and Waste Management of Illinois, Inc.'s Memorandum of Law with Proposed Findings of Fact and Conclusions of Law regarding Legal Sufficiency of Siting Application and Compliance with Statutory Criteria	C2117-C2151
156.	6/22/15	Notice of Filing and Will County's Post-Hearing Brief/ Proposed Findings of Fact and Conclusions of Law	C2152-C2170
157.	6/22/15	Public Comment to Local Siting Application Moen Transfer Station dated 6/22/15 by Civil & Environmental Consultants, Inc.	C2171-C2227
158.	6/22/15	Public Comment Moen Transfer Station June 16, 2015 Submitted by Jay Ipena Environmental Recycling & Disposal Service (with Flashdrive)	C2228-C2246
159.	6/22/15	Closing Argument and Proposed Findings of Fact filed by Environment Recycling and Disposal, Inc. by its attorney George Mueller	C2247-C2275



160.	6/22/15	Written Public Comment dated 6/8/15 by Armando Guerrero	C2276
161.	6/22/15	Written Public Comment dated 6/8/15 by Paulina Ramirez-Reyes	C2277
162.	6/22/15	Written Public Comment dated 6/8/15 by Sarah Galounis	C2278
163.	6/22/15	Written Public Comment by Elizabeth Hamilton	C2279
164.	6/22/15	Written Public Comment by (illegible first name) Hernandez	C2280
165.	6/22/15	Written Public Comment by Mr. and Mrs. (illegible first name) Couch	C2281
166.	6/22/15	Written Public Comment dated 6/22/15 by Linda Brodnicki	C2282
167.	6/22/15	Written Public Comment by Rosalio Rodriguez	C2283
168.	6/22/15	Written Public Comment dated 6/22/15 by James Brodnicki	C2284
169.	6/22/15	Written Public Comment dated 6/8/15 by Linda M. LaBuda	C2285
170.	6/22/15	Written Public Comment dated 6/8/15 by Annette Duke-Williams	C2286
171.	6/22/15	Written Public Comment dated 6/8/15 by Frank Wirtz	C2287
172.	6/22/15	Written Public Comment dated 6/8/15 by William Wirtz	C2288
173.	6/22/15	Written Public Comment dated 6/8/15 by Christe Dilday	C2289
174.	6/22/15	Written Public Comment dated 6/8/15 by Martna Lopez	C2290
175.	6/22/15	Written Public Comment dated 6/8/15 by Yacoub Zamnin	C2291
176.	7/14/15	Notice of Filing and Motion to Dismiss Siting Application filed by County of Will, Illinois, dated July 14, 2015	C2292-C2311
177.	7/15/15	Cover letter from Donald J. Moran dated July 14, 2015 with Notice of Filing and Waste Management of Illinois, Inc.'s Motion to Dismiss Application	C2312-C2322
178.	7/16/15	Cover letter from Donald J. Moran dated July 15, 2015 with Notice of Filing and Waste Management of Illinois, Inc.'s Amended Motion to Dismiss Application	C2323-C2335
179.	7/27/15	Applicant's Response to Motion to Dismiss	C2336-C2344
180.	7/31/15	Notice of Filing and Reply of Will County in Support of its Motion to Dismiss	C2345-C2351
181.	8/4/15	Cover letter dated August 3, 2015 from Donald J. Moran and Notice of Filing and Waste Management of Illinois, Inc.'s Reply In Support of Its Motion to Dismiss	C2352-C2361
182.	8/14/15	Email communication from Derke Price dated August 14, 2015	C2362
183.	8/14/15	Cover letter dated August 17, 2015 from Derke J. Price to Robert Joutras with Report of Hearing Officer's Recommended Findings of Fact and Recommended Conditions of Approval	C2363-C2390
184.	8/18/15	Village of Rockdale Board Meeting Agenda with the line item for Board to Select Special Meeting Date for Approval/Denial of Transfer Station Application	C2391
185.	8/18/15	Village of Rockdale Meeting Minutes from 8/18/15 selecting 9/3/15 as the Special Village Meeting Date for Approval or Denial of the Siting Application	C2392-C2394
186.	8/27/15	Village of Rockdale Notice of the 9/3/15 Special Village Board Meeting published at Village Hall	C2395
187.	8/31/15	Publication of notice of the 9/3/15 Special Meeting from the Joliet Herald News	C2396

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|------|---|-------------|
| 188. | 9/3/15 Village of Rockdale Notice and Agenda for the Special Village Board Meeting of 9/3/15  | C2397       |
| 189. | Draft Ordinance No. 1025 "An Ordinance Denying Approval of the Application For Local Siting Approval of Environmental Recycling and Disposal Services, Inc. For the Moen Transfer Station" (Never Voted On) | C2398-C2399 |
| 190. | Adopted Village of Rockdale Ordinance No. 1026 "An Ordinance Conditionally Approving The Application For Local Siting Approval of Environmental Disposal Services, Inc. For The Moen Transfer Station"      | C2400-C2410 |
| 191. | Transcript of the Village of Rockdale Open Session for the Village Board Special Meeting held on 9/3/15   | C2411-C2420 |
| 192. | Transcripts   |             |
|      | A. Local Siting Hearing   |             |
|      | (i) March 23, 2015  | C2421-C2717 |
|      | (ii) March 24, 2015   | C2718-C2940 |
|      | (iii) May 20, 2015  | C2941-C3165 |
|      | (iv) May 21, 2015   | C3166-C3549 |

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November 23, 2015

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**STATE OF ILLINOIS**  
**Pollution Control Board**

Via Messenger Delivery

John T. Therriault  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St. – Suite 11-500  
Chicago, Illinois 60601

Douglas F. Spesia  
(1940-2010)

Re: *Will County, Illinois v. Village of Rockdale, Board of Trustees  
of Village of Rockdale and Environmental Recycling and  
Disposal Services, Inc.; PCB 16-54*  
- and -  
*Waste Management of Illinois, Inc. v. Village of Rockdale,  
Board of Trustees of Village of Rockdale and Environmental  
Recycling and Disposal Services, Inc.; PCB 16-56*  
(Consolidated)

Dear Mr. Therriault:

Enclosed please find an original and one copy of the Certificate of Record on Appeal. Please return a file-stamped copy of the Certificate of Record on Appeal in the enclosed self-addressed envelope. Also enclosed please find the original Record on Appeal, and three paper copies.

If you should require anything further, please feel free to contact me.

Very truly yours,

SPESIA & AYERS

By:   
Michael R. Stiff

Enclosures

cc: George Mueller (without Record on Appeal)  
Dennis G. Walsh (without Record on Appeal)  
Donald J. Moran (without Record on Appeal)  
Charles F. Helsten (without Record on Appeal)  
Peggy L. Crane (without Record on Appeal)  
Mary M. Tatroe (without Record on Appeal)  
Matthew L. Guzman (without Record on Appeal)  
Bradley P. Halloran (without Record on Appeal)