

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 28 2006

STATE OF ILLINOIS
Pollution Control Board

PEORIA DISPOSAL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 06-184
) (Pollution Control Facility Siting
 PEORIA COUNTY BOARD,) Appeal)
)
 Respondent.)

MOTION FOR RELIEF FROM DEADLINE
TO FILE CERTIFIED RECORD

NOW COMES Respondent, the Peoria County Board, by and through one of its attorneys, and for this Motion for Relief from Deadline to Certify the Record, states as follows:

1. That on June 30, 2006, the deadline to file the certified record was extended to July 28, 2006 by order of the Hearing Officer.
2. That subsequent to the Hearing Officer's order of June 30th, the Respondent filed with the Pollution Control Board a motion for leave to file on disk the compliance and monitoring documents filed with the County as part of the Petitioner's siting application (hereinafter "administrative record").
3. That on July 20, 2006, the Pollution Control Board ordered the Respondent to file one paper copy of the administrative record.
4. That even though said order is dated July 20th, it was post marked July 25, 2006 and was not received by the undersigned counsel until July 27, 2006.
5. That the Respondent cannot Bate stamp the administrative record as required by the Pollution Control Board's Rules (35 Ill. Adm. Code 107.304(b) by July 28, 2006, because the administrative record is comprised of 42 boxes of documents.
6. That based upon the time it took to stamp the remainder of the record already filed, the County Clerk believes that stamping the administrative record can be completed by August 18, 2006.
7. That because the remainder of the record has already been filed, the administrative record will be out of chronological sequence as required by the Pollution Control Board's Rules (35 Ill. Adm. Code 107.304(b)).
8. That the undersigned counsel spoke to Brian Meginnis, one of the Petitioner's attorneys of record, and he agreed that an extension to file the administrative record will not delay this proceeding.

WHEREFORE, the Respondent respectfully requests the Hearing Officer enter an order as follows:

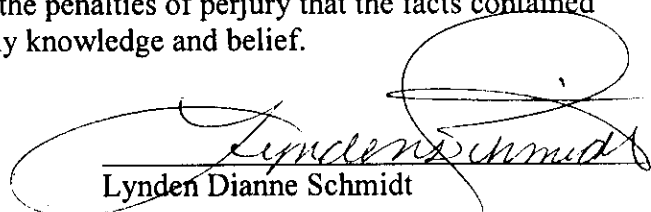
1. Extending the deadline to file the administrative record to August 18 , 2006; and
2. Allowing the Respondent to file the administrative record out of chronological sequence.

Respectfully submitted,
PEORIA COUNTY BOARD,
Respondent

KEVIN W. LYONS
Peoria County State's Attorney


By: 
LYNDEN DIANNE SCHMIDT
Assistant State's Attorney

I, Lynden Dianne Schmidt, do certify under the penalties of perjury that the facts contained herein are true and complete to the best of my knowledge and belief.


Lynden Dianne Schmidt

STATE OF ILLINOIS)
)
COUNTY OF PEORIA)

Subscribed and Sworn to before me, a Notary Public, in the County and State as aforesaid, this 27 day of July, 2006.


Notary Public

Lynden Dianne Schmidt
Assistant State's Attorney
Peoria County Courthouse
324 Main Street, Peoria, IL 61602
(309) 672-6017 (telephone)
(309) 672-6029 (facsimile)
lschmidt@co.peoria.il.us



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Respondent.)

AFFIDAVIT OF SERVICE

The undersigned, a non-attorney, being duly sworn upon oath, states that a copy of the attached Motion was served upon the following persons by enclosing such document in separate envelopes and depositing said envelopes in the U.S. Mail in the Peoria County Courthouse, Peoria, Illinois, on the 27th day of July, 2006 before 5:00 p.m., with all fees thereon fully prepaid and addressed as follows:

George Mueller, P.C.
Attorney at Law
628 Columbus Street, Suite 204
Ottawa, IL 61350

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

and further states that a copy of the attached Motion was served upon the following person by enclosing such document in a separate envelope and depositing said envelope with DHL Express overnight delivery service, Peoria, Illinois on the 27th day of July, 2006 before 5:00 p.m., with all fees thereon fully prepaid and addressed as follows:

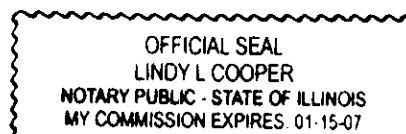
Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

Paulette Fair
Legal Assistant

STATE OF ILLINOIS)
COUNTY OF PEORIA)

Subscribed and Sworn to before me, a Notary Public, in the County and State as aforesaid, this 27th day of July, 2006.

Lindy L. Cooper
Notary Public



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PCB 06-184
(Pollution Control Facility Siting
Appeal)

ENTRY OF APPEARANCE

TO: The Clerk of the Pollution Control Board and all parties of record:

Please enter my appearance as substitute counsel for William W. P. Atkins for purposes of filing the Motion for Relief from Deadline to File Certified Record on behalf of the Peoria County Board.

Respectfully submitted,

By: 
LYNDEN DIANNE SCHMIDT

Lynden Dianne Schmidt
Assistant State's Attorney
Peoria County Courthouse
324 Main Street, Peoria, IL 61602
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AFFIDAVIT OF SERVICE

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Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

Paulette Fair
Legal Assistant

STATE OF ILLINOIS)
COUNTY OF PEORIA)

Subscribed and Sworn to before me, a Notary Public, in the County and State as aforesaid, this 27th day of July, 2006.

Randy L Cooper

