

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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|---------------------------|---|-------------|
| FOX MORaine, LLC |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 07- 146 |
| |) | |
| UNITED CITY OF YORKVILLE, |) | |
| CITY COUNCIL |) | |
| |) | |
| Respondent. |) | |

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on this 20th day of November, 2007, George Mueller, one of the attorneys for Petitioner, Fox Moraine, LLC, filed via electronic filing of the attached **Objection to Petition to Intervene** with the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

FOX MORaine, LLC

By: /s/George Mueller
One of its Attorneys

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Fox Moraine, LLC v. United City of Yorkville
PCB No. 2007-146

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CERTIFICATE OF SERVICE

I, Sharon Twardowski, a non-attorney, certify that I served a copy of the foregoing **Notice of Filing** and **Fox Moraine, LLC's Objection to Petition to Intervene** to the Hearing Officer and all Counsel of Record listed on the attached Service list, by sending it via Electronic Mail and First Class Mail on November 20, 2007, before 5:00 p.m.

/s/Sharon Twardowski_____

- [x] Under penalties as provided by law pursuant to ILL. REV. STAT. CHAP. 110-SEC 1-109, I certify that the statements set forth herein are true and correct

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)
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 UNITED CITY OF YORKVILLE,)
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)
 Respondent.)

OBJECTION TO PETITION TO INTERVENE

NOW COMES Fox Moraine, LLC, by its attorneys, Charles Helsten and George Mueller and for its Objection to the Petition to Intervene filed by Friends of Greater Yorkville states and alleges as follows:

1. It is well established that third party objectors are precluded from intervention in an appeal from a denial of siting approval. Waste Management v. County Board of Kane County, PCB 03-104 (Feb. 20, 2003), Land and Lakes Company, et al. v. Village of Romeoville, PCB 94-195 (Sept. 1, 1994), Waste Management of Illinois, Inc. v. PCB, 160 Ill.App.3d 454, 513 N.E.2d 592 (2nd Dist. 1987), McHenry County Landfill, Inc. v. IEPA, 154 Ill.App.3d 89, 506 N.E.2d 372 (2nd Dist. 1987). A party may intervene only when the third party is a state's attorney or the Attorney General's office intervening to represent the public interest.

2. Friends of Greater Yorkville is a third party objector without the special intervention rights of a state's attorney or the Attorney General's office representing the public interest. Friends of Greater Yorkville may participate through public comments and may seek to file an *amicus curiae* brief.

