

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

KIBLER DEVELOPMENT CORPORATION,)	
and MARION RIDGE LANDFILL, INC.,)	
Petitioner,)	
)	
v.)	PCB 07-43
)	PCB 05-35
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

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

Stephen F. Hedinger
Hedinger Law Officer
2601 South Fifth Street
Springfield, IL 62703

Charles Garnati
State's Attorney
200 Jefferson, Williamson County Courthouse
Marion, IL 62959

Jennifer Sackett Pohlenz
Querrey & Harrow
75 West Jackson Boulevard
Suite 1600
Chicago, IL 60604-2827

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a REPOSE TO MOTION TO INTERVENE copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent

Melanie A. Jarvis, Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue, East, P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: July 28, 2008

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RESPONSE TO MOTION TO INTERVENE

NOW COMES Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Melanie A. Jarvis, Assistant Counsel and Special Assistant Attorney General, who, pursuant to 35 Ill. Adm. Code 101.506, hereby respectfully responds to the Motion to Intervene and in support of said response, the Illinois EPA states as follows:

The State’s Attorney of Williamson County filed its motion to intervene on July 21, 2008. The matters at issue in the above cases were previously settled by the parties and the Petitioner filed a motion to dismiss on July 18, 2008. No issues remain in the case and an intervention at this late date would not further the progress of a case that is basically settled and over. The Illinois EPA objects to the Motion to Intervene.

CONCLUSION

For the reasons stated herein, the Illinois EPA respectfully requests that the Board deny the Motion to Intervene.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent

Melanie A. Jarvis
Assistant Counsel, Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East, P.O. Box 19276
Springfield, Illinois 62794-9276
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Dated: July 28, 2008

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on July 28, 2008 I served true and correct copies of a RESPONSE TO MOTION TO INTERVENE by the Board's COOL system and by placing true and correct copies thereof in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. Mail drop box located within Springfield, Illinois, with sufficient First Class postage affixed thereto, upon the following named persons:

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

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