

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF**

**RCRA DELISTING ADJUSTED STANDARD )**  
**PETITION OF PEORIA DISPOSAL COMPANY ) AS 08-10**  
**) (Adjusted Standard – Land)**  
**) (RCRA Delisting)**

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**Response of Peoria Disposal Company**  
**to Letter from Bill Mitchell, Dated August 11, 2008**

NOW COMES Peoria Disposal Company (“PDC”), by its attorneys, Elias, Meginness, Riffle & Seghetti, P.C. and Brown, Hay & Stephens, LLP, and as and for its response to the letter from Bill Mitchell, dated August 11, 2008, filed with the Clerk of the Pollution Control Board on August 13, 2008, states as follows:

1. State Representative Bill Mitchell filed a letter, dated August 11, 2008, with the Clerk of the Pollution Control Board on August 13, 2008. In his letter, Representative Mitchell requests that a second public hearing be held in this matter in DeWitt County, Illinois, because there is a possibility that the waste sought to be delisted herein could be disposed of at the Clinton Landfill, a facility in DeWitt County.

2. Pursuant to 35 Ill. Adm. Code §104.420(a): “Any person can request that a public hearing be held in an adjusted standard proceeding. The requests must be filed not later than 21 days after the date of the publication of the petition notice in accordance with Section 104.408 of this Part.” (*See also* 415 ILCS §5/28.1(d)(1)). PDC published notice of the filing of the Petition in this case on April 28, 2008. Any request for a hearing should have been filed no later than May 19, 2008, 21 days after filing of the notice.

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3. In any case, this matter has been set for public hearing on Monday, August 18, 2008, at 3:00 p.m., at the Peoria Public Library in the City of Peoria, Peoria County, Illinois. The Pollution Control Board has committed to holding the hearing open until at least 6:00 p.m. to accommodate the attendance and comment of the public.

4. The Pollution Control Board selected Peoria County as the proper forum for the public hearing in this case, as the waste stabilization facility at issue is in Peoria County.

5. Any concerned citizens of DeWitt County will have the opportunity to speak at the hearing in Peoria on Monday, August 18, 2008. (Peoria is approximately one hour from Clinton by car). As is clear from Mr. Mitchell's letter, the citizens of DeWitt County are aware of the hearing. Also, the citizens of DeWitt County will be permitted to submit public comment for a period after the public hearing. The rights of the citizens of DeWitt County are clearly being protected by holding the public hearing in Peoria on Monday, August 18, 2008.

6. Representative Mitchell's request for a hearing in DeWitt County is based upon his concern that delisted waste may be accepted at Clinton Landfill, Inc., located in DeWitt County. At a special meeting of the DeWitt County Board on Wednesday, August 13, 2008, the DeWitt County Board considered a resolution to make a request to the Pollution Control Board for a public hearing in DeWitt County, as is requested in Representative Mitchell's letter. Representatives of Clinton Landfill, Inc., the owner of Clinton Landfill, made a commitment to the County Board that Clinton Landfill, Inc. would not accept any waste delisted by the Pollution Control Board pursuant to the instant petition without prior permission from the DeWitt County Board, subject to whatever public hearings and procedures the County Board saw fit to require. (Clinton Landfill, Inc. is affiliated with Peoria Disposal Company, the Petitioner in this case). Clinton Landfill, Inc.'s commitment will be reduced to writing in an

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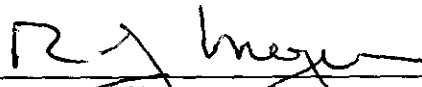
amendment to the Host Agreement with DeWitt County. Thus, Representative Mitchell's concerns regarding local input have been addressed. The DeWitt County Board voted 10-2 against the pending resolution to request a Pollution Control Board hearing in DeWitt County on this matter.

WHEREFORE, PDC respectfully requests that the Pollution Control Board decline the request for a second public hearing made in the letter from Representative Bill Mitchell, dated August 11, 2008, filed with the Clerk of the Pollution Control Board on August 13, 2008.

Dated: August 14, 2008

Respectfully submitted,

PEORIA DISPOSAL COMPANY,  
Petitioner

By:   
One of its attorneys

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**CERTIFICATE OF FILING AND SERVICE**

I certify that on August 14, 2008, I filed the foregoing document electronically with the Clerk of the Illinois Pollution Control Board, and I served the foregoing document on all parties hereto, by 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:

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Office of Solid Waste and Emergency Response  
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Washington, D.C. 20460

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