

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

UNITED CITY OF YORKVILLE, A
MUNICIPAL CORPORATION,

Complainant,

V.

HAMMAN FARMS,,

Respondents.

PCB No. 08-96
(Enforcement-Land, Air, Water)

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on December 10, 2008, we electronically filed with the Clerk of the Illinois Pollution Control Board, Respondent's Motion for Leave to File a Reply in Support of its Motion for Reconsideration, a copy of which is attached hereto and hereby served upon you.

Dated: December 10, 2008

Respectfully submitted,

On behalf of HAMMAN FARMS

/s/Charles F. Helsten

Charles F. Helsten

One of Its Attorneys

Charles F. Helsten
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**RESPONDENT'S MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT OF ITS
MOTION FOR RECONSIDERATION**

NOW COMES the Respondent, HAMMAN FARMS, by and through its attorneys, Charles F. Helsten and HINSHAW & CULBERTSON LLP, pursuant to 35 Ill.Adm.Code 101.500(e), and hereby requests leave to file a Reply in Support of its Motion for Reconsideration in order to respond to misrepresentations included in the Complainant's Response, stating as follows:

1. On July 8, 2008, Respondent Hamman Farms filed a Motion to Strike and/or Dismiss Counts II, III and IV of Yorkville's Complaint.
2. On October 16, 2008, the Board granted in part and denied in part Hamman Farms' motion. The Board's Order dismissed Count III (Air Pollution) for lack of specificity, but declined to dismiss Count IV (Water Pollution) for lack of specificity.
3. On November 14, 2008, Hamman Farms filed a Motion for Reconsideration concerning the Board's holding as to Count IV.
4. On December 1, 2008, Yorkville filed a Response opposing the Motion for Reconsideration, in which Yorkville misrepresents the arguments set forth in Hamman Farms' motion, and misrepresents the Board's findings and holding in its October 16, 2008 Order.
5. In the absence of an opportunity to file a Reply in support of its Motion for

Reconsideration, Hamman Farms will be materially prejudiced.

6. Hamman Farms has prepared a Reply which addresses the misrepresentations and mischaracterizations of Yorkville's Response, and by this motion seeks leave to file its Reply with the Board to avoid material prejudice. A copy of the proposed Reply is attached hereto.

WHEREFORE: Respondent, Hamman Farms, respectfully requests that the Board grant leave to file Hamman Farms' Reply in Support of its Motion for Reconsideration, which is attached hereto.

Dated: December 10, 2008

Respectfully submitted,

On behalf of HAMMAN FARMS

/s/Charles F. Helsten

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AFFIDAVIT OF SERVICE

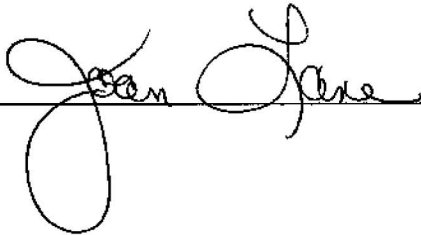
The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on December 10, 2008, she caused to be served a copy of the foregoing upon:

Mr. John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
(via electronic filing)

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Via electronic filing and/or e-mail delivery.



A handwritten signature, appearing to read "Jean O'Neil", is written over a horizontal line.

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