

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

WASTE MANAGEMENT OF ILLINOIS,)
INC. and KENDALL LAND AND)
CATTLE, LLC)

Petitioner)

PCB 09-43)

(Pollution Control Facility Siting Appeal)

vs)

COUNTY BOARD OF KENDALL)
COUNTY)

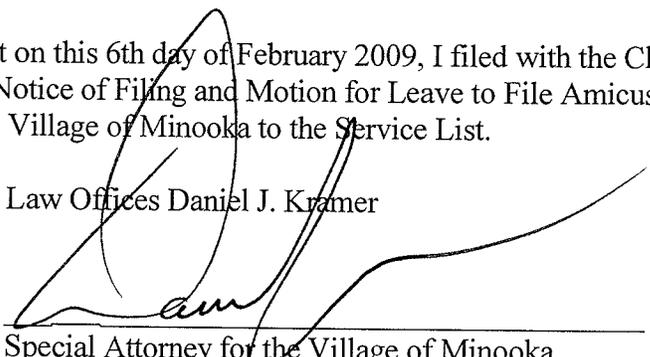
NOTICE OF FILING

TO: *See attached service list.*

PLEASE TAKE NOTICE that on this 6th day of February 2009, I filed with the Clerk of the Illinois Pollution Control Board, this Notice of Filing and Motion for Leave to File Amicus Brief for the Village of Minooka and to add the Village of Minooka to the Service List.

Dated: February 6, 2009

Law Offices Daniel J. Kramer

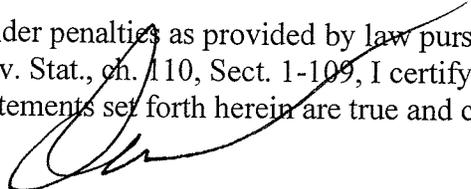

Special Attorney for the Village of Minooka

Law Offices of Daniel J. Kramer
1107A South Bridge St.
Yorkville, Illinois 60560
Phone: (630) 553-9500
Facsimile: (630) 553-5764

CERTIFICATE OF SERVICE

I, Daniel J. Kramer, on oath state that I served this Notice of Filing and above referenced document on the persons and at their addresses as identified on the service list, by depositing the documents, postage pre-paid, into the U.S. Mail Depository located at Yorkville, Illinois this 6th day of February, 2009.

Under penalties as provided by law pursuant to Ill. Rev. Stat., ch. 110, Sect. 1-109, I certify that the statements set forth herein are true and correct.



SERVICE LIST

<p>Donald J. Moran Pederson & Houpt 161 N. Clark St., Ste. 3100 Chicago, IL 60601-3224 312-261-2149 312-261-1149 - fax</p>	<p>Attorney Eric C. Weis Kendall County State's Attorney Kendall County Courthouse 807 John St. Yorkville, IL 60560 630-553-4157 630-553-4204 – fax</p>
<p>Ms. Renetta Mickelson Kendall County Clerk 111 Fox St. Yorkville, IL 60560</p>	<p>James F. McCluskey James S. Harkness Momkus, McCluskey, LLC 1001 Warrenville Rd., Ste. 500 Lisle, IL 60532 630-434-0400 630-434-0444 - fax</p>
<p>Bradley P. Halloran Hearing Officer Illinois Pollution Control Board James R. Thompson Center, Ste. 11-500 100 W. Randolph Street Chicago, IL 60601 Phone:312-814-8917</p>	<p>John T. Therriault Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street, Ste. 11-500</p>

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MOTION FOR LEAVE TO FILE AMICUS BRIEF

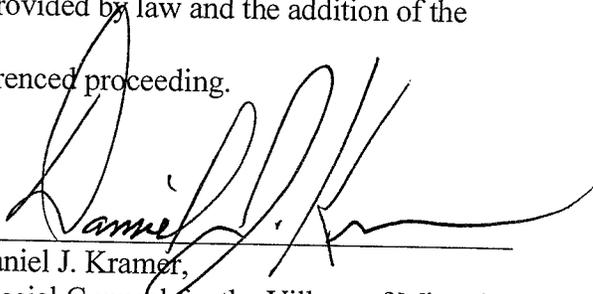
NOW COMES the Village of Minooka, Kendall County, Illinois, for its Motion for Leave to File an Amicus Brief pursuant to 35 Ill. Adm. Code 101.110(c) and as provided by law and add the Village of Minooka to the Service List states and alleges as follows:

- 1) That on or around June 3, 2008 Waste Management of Illinois, Inc. and Kendall Land and Cattle, LLC filed an Application for the siting of a solid waste facility pursuant to the restated and amended Kendall County Siting Ordinance 08-15 and 415 ILCS 5-39 et. seq.
- 2) The public hearings on the Site Application were conducted by the Kendall County Board from approximately September 11, 2008 up and through October 1, 2008.
- 3) That on or around November 20, 2008 the Kendall County Board approved a Resolution Denying the Application for a solid waste facility.
- 4) That the Village of Minooka participated as an objector to the Siting Application by appearing and participating through the cross-examination of the Applicant's experts and presenting their own experts for Criterion 2 and 3.
- 5) That the Village of Minooka objected to the Siting Application under Criterion 2 and proffered John Bognar, a Hydrogeologist who testified that the Applicant failed to

meet its burden that the facility was so designed, located and proposed to be operated that the public health, safety and welfare were protected.

- 6) Additionally, the Village of Minooka proffered testimony that the Applicant completely and utterly failed to minimize the affect of the facility on the value of the surrounding area under Criterion 3.
- 7) That the Village of Minooka's boundaries extend to within two (2) miles from the proposed site, and the site is adjacent to areas within the Village of Minooka's Comprehensive Plan as approved by the Village of Minooka pursuant to Illinois Compiled Statute.
- 8) That the Village of Minooka's municipal services including water service will be affected by the siting of this Application.
- 9) That the lack of minimization shown in the Petitioner's Application on the affect on the value of surrounding areas will impact the Village of Minooka.

WHEREFORE, the Village of Minooka requests that it be given leave to file an Amicus Brief pursuant to 35 Ill. Adm. Code 101.110(c) and as provided by law and the addition of the Village of Minooka to the Service List of the above referenced proceeding.



Daniel J. Kramer,
Special Counsel for the Village of Minooka

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