

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

Petitioner, )

PCB No. 09-43

v. )

COUNTY BOARD OF KENDALL COUNTY, )  
ILLINOIS, )

Respondent. )

**NOTICE OF FILING**

TO: All Counsel of Record (see attached Service List)

PLEASE TAKE NOTICE that on March 30, 2009, the undersigned filed with the Illinois Pollution Control Board, 100 West Randolph Street, Chicago, Illinois 60601, Grundy County's Motion for Leave to File a Reply in Support of its Motion for Leave to Intervene, copies of which are attached hereto.

Dated: March 30, 2009

Respectfully submitted,

On behalf of GRUNDY COUNTY, ILLINOIS

/s/ Charles F. Helsten

Charles F. Helsten  
One of Its Attorneys

Charles F. Helsten  
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P.O. Box 1389  
Rockford, IL 61105-1389  
815-490-4900

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

Petitioners, )

vs )

COUNTY BOARD OF KENDALL COUNTY, )  
ILLINOIS )

PCB 09-043

(Pollution Control Board Facility  
Siting Appeal)

**GRUNDY COUNTY'S MOTION FOR LEAVE TO FILE A REPLY  
IN SUPPORT OF ITS MOTION FOR LEAVE TO INTERVENE**

NOW COMES the County of Grundy, by and through its attorneys, State's Attorney Sheldon Sobol, 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 Leave to Intervene, stating as follows:

1. On March 4, 2009, Grundy County filed a Motion for Leave to Intervene in this appeal.
2. Grundy County participated in the proceedings below, and seeks to intervene in the appeal to protect the health, safety, and welfare of its residents, which would be threatened if Petitioners were to be successful in vacating the decision of the Kendall County Board.
3. Petitioners seek to prevent Grundy County from participating in this appeal, and in furtherance of that effort, they filed an objection to the Motion to Intervene in which they grossly mischaracterize and/or misrepresent the arguments in Grundy County's motion, as well as governing law.
4. In the absence of an opportunity to file a Reply in support of its Motion, Grundy County will be materially prejudiced.
5. Grundy County has prepared a Reply which addresses the mischaracterizations and/or misrepresentations in Petitioners' brief, 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: Grundy County respectfully requests that the Board grant leave to file Grundy County's Reply in Support of its Motion to Intervene, which is attached hereto.

Dated: March 30, 2008

Respectfully submitted,

Grundy County, Illinois

By:

/s/ Charles F. Helsten

One of Its Attorneys

Sheldon Sobol  
Grundy County State's Attorney  
111 E. Washington St.  
Morris, IL 60450  
(815) 941-3276

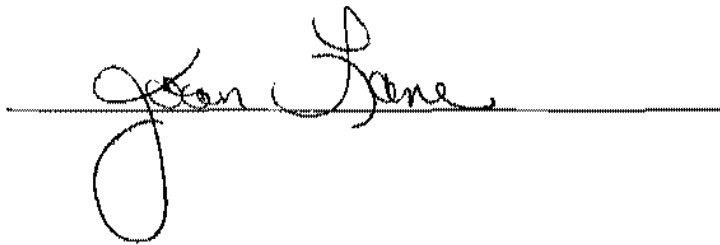
Charles F. Helsten  
Nicola Nelson  
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**AFFIDAVIT OF SERVICE**

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 March 30, 2009, she served a copy of the foregoing upon:

Donald J. Moran Pedersen & Houpt 161 N. Clark Street Suite 3100 Chicago, IL 60601 <a href="mailto:dmoran@pedersenhaupt.com">dmoran@pedersenhaupt.com</a>	Bradley P. Halloran Illinois Pollution Control Board James R. Thompson Center 100 West Randolph St. Suite 11-500 Chicago, IL 60601 <a href="mailto:hallorab@ipcb.state.il.us">hallorab@ipcb.state.il.us</a>
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Via E-Mail and by depositing a copy thereof, enclosed in an envelope in the United States Mail at Rockford, Illinois, proper postage prepaid, before the hour of 5:00 p.m., addressed as above.



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