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STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

January 8, 2013



ORIGINAL

|                                |   |   |
|--------------------------------|---|---|
| MARTIN MAGGIO,                 | ) |   |
|                                | ) |   |
| Petitioner,                    | ) |   |
|                                | ) |   |
| v.                             | ) | PCB 13-10                               |
|                                | ) | (Third-Party Pollution Control Facility |
| COUNTY OF WINNEBAGO, WINNEBAGO | ) | Siting Appeal)                          |
| COUNTY BOARD, and WINNEBAGO    | ) |   |
| LANDFILL COMPANY, LLC.,        | ) |   |
|                                | ) |   |
| Respondents.                   | ) |   |

**HEARING REPORT**

On December 4, 2012, a hearing in the above-captioned matter was held in the Winnebago County Administration Building, Room 303, 404 Elm Street, Rockford, Illinois. Hearing Officer Bradley P. Halloran presided.

Attorney Michael S. Blazer appeared and participated on behalf of the petitioner, Martin Maggio. Attorney David Kurlinkus appeared and participated on behalf of the respondent, Winnebago County Board (County Board). Attorneys George Mueller and Charles Helsten appeared and participated on behalf of respondent Winnebago Landfill Company, LLC. (WLC).

**Preliminary Matters**

On August 15, 2012, the petitioner filed a petition asking the Board to review a July 12, 2012 decision of the County Board granting an expansion of a pollution control facility. Petitioner appealed on the grounds that the County Board did not have proper jurisdiction to conduct public hearings on WLC's application due to its failure to serve notice and, that the proceedings were not fundamentally fair. On August 23, 2012, the Board accepted the petition for hearing. On December 4, 2012, at the hearing, petitioner orally withdrew its fundamental unfairness claim and, on January 2, 2013, filed a written motion for partial voluntary dismissal. Additionally, petitioner's deposition subpoena served on Derke Price was addressed. On November 8, 2012, Derke Price filed a motion to quash subpoena. At hearing, petitioner orally withdrew the deposition subpoena, making the motion to quash moot.

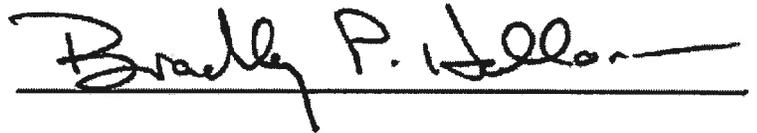
**Exhibits**

The petitioner offered exhibits into evidence at the hearing. An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order.

**Briefing Schedule**

A post-hearing briefing schedule was discussed and it was agreed that petitioner's post-hearing brief is due to be filed on or before January 2, 2013. Respondents' respective post-hearing briefs are due to be filed on or before January 23, 2013. Petitioner's reply brief, if any, must be filed on or before January 30, 2013. The mailbox rule does not apply to petitioner's reply brief and all electronic or approved telefax filings must be received by the Clerk's Office no later than 4:30 p.m. of the due date. Public Comment must be filed on or before January 15, 2013.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a solid horizontal line.

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois 60601  
312.814.8917

PCB 13-10  
December 4, 2012 Hearing

Exhibit List

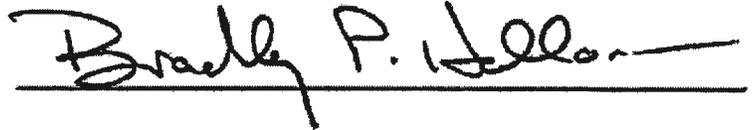
| Exhibit                | Description  | Status   |
|------------------------|--|----------|
| Petitioner's Exhibit 1 | Stipulation between petitioner and WLC regarding petitioner's lack of jurisdiction claim                   | Admitted |
| Petitioner's Exhibit 2 | Excerpt from the siting application that includes a site drawing of the site at issue.                     | Admitted |
| Petitioner's Exhibit 3 | Series of printouts from the Winnebago and Ogle County Recorder's Office that are referred to in Exhibit 1 | Admitted |
| Petitioner's Exhibit 4 | Resolution from Winnebago County which approved the siting application, dated July 12, 2012                | Admitted |
| Petitioner's Exhibit 5 | Report of Hearing Officer Derke Price in the local siting proceeding                                       | Admitted |

## CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on January 8, 2013, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on January 8, 2013:

John T. Therriault  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a solid horizontal line.

Bradley P. Halloran  
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