

**HINSHAW & CULBERTSON**  
ATTORNEYS AT LAW

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LOS ANGELES, CALIFORNIA  
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**STATE OF ILLINOIS**  
**Pollution Control Board**  
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FILE NO. 806289

WRITER'S DIRECT DIAL  
815-490-4906

June 12, 2003

Ms. Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, IL 60601

Re: RE: Rochelle L.L.C. v. City Council The City of Rochelle, Illinois  
PCB No. 03-218

Dear Ms. Gunn:

Please find enclosed herewith an original and ten copies of the following documents to be filed in this matter:

1. Appearance of Charles F. Helsten and Richard S. Porter of the law firm of Hinshaw & Culbertson on behalf of the Rochelle City Council;
2. Answer by the Rochelle City Council to the Petition filed by Rochelle Waste Disposal, L.L.C. in this matter.

Would you be so kind as to return a file stamped copy of the Appearance and Answer to me in the enclosed, self-addressed return envelope?

Sincerely,

HINSHAW & CULBERTSON

By:   
Charles F. Helsten

CFH:jml  
cc: Mike O'Brien  
George Mueller

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROCHELLE WASTE DISPOSAL, L.L.C. )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
CITY COUNCIL OF THE CITY OF )  
ROCHELLE, ILLINOIS )  
 )  
Respondent. )

STATE OF ILLINOIS  
Pollution Control Board

Case No. PCB 03-218

APPEARANCE

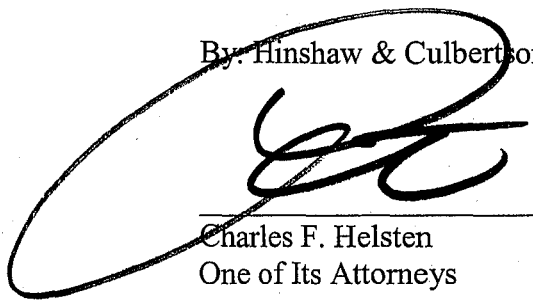
NOW COME, CHARLES F. HELSTEN and RICHARD S. PORTER of the law firm of HINSHAW & CULBERTSON do hereby enter their Appearance in the above-captioned matter on behalf of the CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS.


Dated: 6/17/03

Respectfully Submitted,

On behalf of the City Council of the City of Rochelle, Illinois, Respondent

By: Hinshaw & Culbertson

  
\_\_\_\_\_  
Charles F. Helsten  
One of Its Attorneys

  
\_\_\_\_\_  
Richard S. Porter  
One of Its Attorneys

HINSHAW AND CULBERTSON  
100 Park Avenue  
P.O. Box 1389  
Rockford, IL 61105-1389  
815-490-4900

**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 June 17, 2003, a copy of the foregoing was served upon:

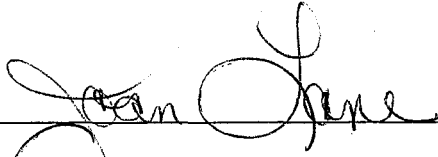
Michael F. O'Brien  
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P.O. Box 2903  
Rockford, IL 61132-2903

George Mueller, P.C.  
Attorney at Law  
501 State Street  
Ottawa, IL 61350-3578

Mr. Alan Cooper  
Attorney at Law  
400 May Mart Drive  
P.O. Box 194  
Rochelle, IL 61068

Ms. Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, IL 60601

By depositing a copy thereof, enclosed in an envelope in the United States Mail at Chicago, Illinois, proper postage prepaid, before the hour of 5:00 P.M., addressed as above.

  
\_\_\_\_\_

HINSHAW & CULBERTSON  
100 Park Avenue  
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(815) 963-8488

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROCHELLE WASTE DISPOSAL, L.L.C. )  
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Petitioner, )  
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vs. )  
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CITY COUNCIL OF THE CITY OF )  
ROCHELLE, ILLINOIS )  
 )  
Respondent. )

Case No. PCB 03-218

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STATE OF ILLINOIS  
Pollution Control Board

ANSWER TO PETITION FOR REVIEW

NOW COME the Respondent, City Council of the City of Rochelle, Illinois in the above matter, and for Answer to the Petition of Rochelle Waste Disposal, L.L.C. ("RWD"), states as follows:

1. The Respondent City Council admits the allegations set forth in ¶ 1 of the Petition.
2. The Respondent City Council admits the allegations set forth in ¶ 2 of the Petition.
3. The Respondent City Council admits so much of ¶ 3 of RWD's Petition as sets forth the date of the underlying hearing on the application, sets forth the date of the Council's initial consideration of the application, and sets forth true and accurate copies of both the City Council's resolution denying the application and minutes of the City Council's meeting on April 24 and April 28, 2003, respectively. However, the Respondent City Council denies so much of ¶ 3 as alleges that the reconsideration and modification by the City Council of its denial of the Application on April 28, 2003 was conducted without notice to RWD. The Respondent further affirmatively states that notice was given to both RWD and the other primary participant in this matter (the Concerned Citizens of Ogle County) of the April 28, 2003 meeting, and that officials from both primary participants were in attendance at the April 28, 2003 meeting.

4. The Respondent City Council admits so much of ¶ 4 of the Petition which alleges that RWD contests and objects to the City Council's decision to deny the application, but denies that the siting process and procedures employed by the City Council in reaching that decision were fundamentally unfair.

5. The Respondent City Council denies the allegations set forth in ¶ 5 of the Petition..

6. The Respondent City Council denies the allegations set forth in ¶ 6 of the Petition

WHEREFORE, the Rochelle City Council respectfully requests that the Board enter a Order:

(1) denying the Petition of RWD, and (2) providing such other and further relief as the Board deems appropriate.

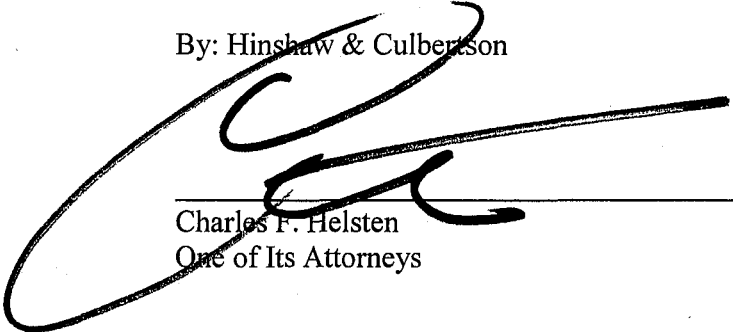
Dated: \_\_\_\_\_

6/17/03

Respectfully Submitted,

On behalf of the City Council of the City of  
Rochelle, Illinois, Respondent

By: Hinshaw & Culbertson

  
\_\_\_\_\_  
Charles F. Helsten  
One of Its Attorneys

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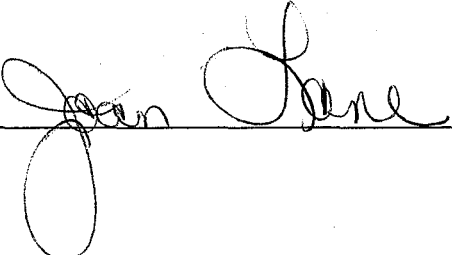
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