

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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NOV 17 2016  
STATE OF ILLINOIS  
Pollution Control Board

ENVIRONMENTAL RECYCLING AND )  
DISPOSAL SERVICES, INC., )  
 )  
Petitioner, )  
 )  
v. )  
 )  
COUNTY BOARD OF WILL COUNTY, )  
ILLINOIS and WASTE MANAGEMENT OF )  
ILLINOIS, INC., )  
 )  
Respondents. )

PCB No. 16-76  
(Third-Party Pollution Control  
Facility Siting Appeal)

**NOTICE OF FILING**



**ORIGINAL**

TO: See Attached Service List

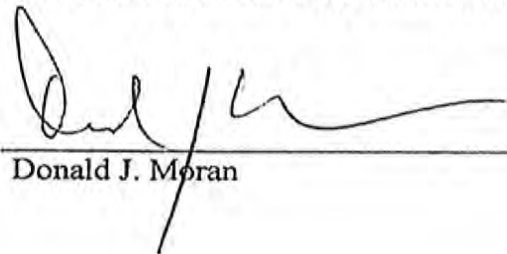
PLEASE TAKE NOTICE that on November 14, 2016, Waste Management of Illinois, Inc. filed with the Illinois Pollution Control Board, **WASTE MANAGEMENT OF ILLINOIS, INC.'S MOTION TO MODIFY BOARD OPINION**, in this proceeding, a copy of which is attached and served upon you.

Dated: November 14, 2016

Donald J. Moran  
PEDERSEN & HOUP  
161 North Clark Street  
Suite 2700  
Chicago, Illinois 60601  
Telephone: (312) 641-6888

Respectfully Submitted,

WASTE MANAGEMENT OF ILLINOIS, INC.

By:   
Donald J. Moran

**CERTIFICATE OF MAILING**

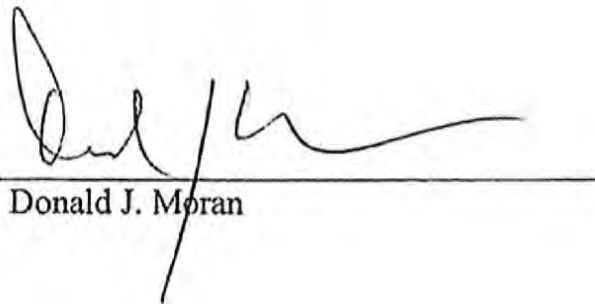
The undersigned, an attorney, states that on November 14, 2016, he caused to be filed by U.S. Mail at or before 5:00 p.m., the foregoing WASTE MANAGEMENT OF ILLINOIS, INC.'S MOTION TO MODIFY BOARD OPINION and this Certificate of Mailing by depositing the same in the U.S. Mail located at 161 N. Clark St., Chicago, Illinois, enclosed in a sealed envelope with First Class postage fully prepaid and addressed to the Illinois Pollution Control Board Clerk:

John Therriault  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph Street  
Chicago, IL 60601

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STATE OF ILLINOIS  
Pollution Control Board



Donald J. Moran


**CERTIFICATE OF SERVICE**

I, Donald J. Moran, an attorney, certify that I have served the attached WASTE MANAGEMENT OF ILLINOIS, INC.'S MOTION TO MODIFY BOARD OPINION on the named parties by electronic service and by depositing same in the U.S. mail at 161 N. Clark Street, Chicago, Illinois 60601, at 5:00 p.m. on November 14, 2016.

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Donald J. Moran

**SERVICE LIST**

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**WASTE MANAGEMENT OF ILLINOIS, INC.'S**  
**MOTION TO MODIFY BOARD OPINION**

Respondent, Waste Management of Illinois, Inc. ("WMII"), by its attorneys, Pedersen & Houpt, P.C., moves that this Board modify and correct certain statements in its Opinion and Order entered October 6, 2016 in this appeal. In support of this Motion, WMII states the following:

1. This Board entered an Opinion and Order on October 6, 2016, in PCB 16-76 affirming the decision of the Will County Board, which granted site location approval for WMII's proposed expansion of the Laraway Recycling and Disposal Facility ("Laraway RDF").

2. The Opinion and Order is fifty-six (56) pages in length, and includes a "FACTS" section and a Siting Criteria section, which contains factual statements taken from WMII's Site Location Application for Laraway RDF Expansion and other documents in a voluminous siting record.

3. There are three statements in the Opinion that do not accurately describe or reflect their sources in the record, and need to be modified or corrected.

a. Under "Existing Operation" on page four (4) of the Opinion, the statement



describing the proposed site includes a reference to “a closed Resource Conservation and Recovery Act (RCRA) unit consisting of a wastewater treatment plant and wastewater holding ponds owned by Olin Corporation”, citing C142. This statement is not accurate. The correct statement reads as follows: “Located within the subject site is the Laraway solid waste unit and a wastewater treatment plant owned by Olin and wastewater holding ponds... also owned by Olin. The Subject Site does not include the closed RCRA unit, previously known as ESL.” Site Location Application for Laraway RDF Expansion, Criterion 2, p.1-1 (C142.) The excluded RCRA unit (ESL) does not include the wastewater treatment plant or wastewater holding ponds owned by Olin.

- b. Under “Proposed Operation” on page 5 of the Opinion, the statement that WMII projects the expansion to “reach its capacity of approximately 30,364,000 tons in 2021” is not correct (C52). It is the existing facility, not the proposed expansion, “which is expected to reach capacity in 2021.” Site Location Application for Laraway RDF Expansion, Criterion 1, p.1-1 (C52.) The proposed expansion will provide an additional 10 years of life to the existing facility, so that the expansion is expected to reach capacity in 2031. Id.
- c. Under “Existing Conditions: Roadway Network” on page 43 of the Opinion, reference is made to Illinois Route 53 as a “Strategic Regional Artery (SRA)”, citing C433, 4298. The correct term is “Strategic Regional Arterial.” C433, 4298.

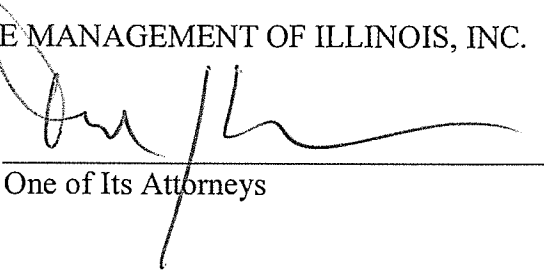
4. While none of the identified statements in any way affect the validity of the Opinion, WMII believed it appropriate to bring these minor errors to the attention of the Board and let the Board decide whether to modify its opinion.

WHEREFORE, WMII respectfully requests that this Board modify or correct the three (3) statements in the Opinion identified above, and grant such other relief as the Board deems appropriate.

Respectfully submitted,

WASTE MANAGEMENT OF ILLINOIS, INC.

By:



One of Its Attorneys

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