

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

BYRON SANDBERG,)
)
Petitioner,)
)
vs.)
)
CITY OF KANKAKEE, ILLINOIS, THE CITY)
OF KANKAKEE, ILLINOIS CITY COUNCIL,)
TOWN AND COUNTRY UTILITIES, INC.,)
and KANKAKEE REGIONAL LANDFILL,)
L.L.C.,)
)
Respondents.)

Case No. PCB 04-33

WASTE MANAGEMENT OF ILLINOIS,)
INC.,)
)
Petitioner,)
)
vs.)
)
THE CITY OF KANKAKEE, ILLINOIS CITY)
COUNCIL, TOWN AND COUNTRY)
UTILITIES, INC., and KANKAKEE)
REGIONAL LANDFILL, L.L.C.,)
)
Respondents.)

Case No. PCB 04-34

COUNTY OF KANKAKEE, ILLINOIS and)
EDWARD D. SMITH, KANKAKEE COUNTY)
STATE'S ATTORNEY,)
)
Petitioners,)
)
vs.)
)

Case No. PCB 04-35

CITY OF KANKAKEE, ILLINOIS, THE CITY)
OF KANKAKEE, ILLINOIS CITY COUNCIL,)
TOWN AND COUNTRY UTILITIES, INC.,)
and KANKAKEE REGIONAL LANDFILL,)
L.L.C.,)
)
Respondents.)

MOTION TO EXCEED PAGE LIMIT FOR POST HEARING BRIEF

NOW COME the Petitioners, THE COUNTY OF KANKAKEE, ILLINOIS, ("Kankakee County") and EDWARD D. SMITH, State's Attorney of Kankakee County ("Kankakee State's Attorney") by and through its undersigned counsel of record, and for its Motion to Exceed Page Limit for Post Hearing Brief, state as follows:

1. 35 Il.Adm.Code 101.302(k) states as follows:

Page Limitation. No motion, brief in support of motion, or brief may exceed 50 pages, and no amicus curiae brief may exceed 20 pages, without prior approval of the Board or hearing officer. These limits do not include appendices containing relevant material.

2. In order to fully and fairly present Petitioner's case before this Board, Petitioner's brief must exceed 50 pages as is allowed by 35 Il.Adm.Code 101.302(k). Petitioners are appealing the grant of landfill siting authority by the City of Kankakee on numerous bases involving a great deal of factual and technical information that cannot adequately be addressed in 50 pages. The hearings at the Pollution Control Board level alone produced over 1200 pages of transcripts, and the hearing transcripts and documentary evidence from the local siting hearing are thousands of pages. Therefore, the Statement of Facts alone is expected to take a large number of pages, as this appeal involves a variety of fundamental fairness issues regarding the Section 39.2 hearing, and also includes a recitation of facts regarding certain Section 39.2 criteria, and an articulation of the facts surrounding the jurisdictional problems in this case.

3. Therefore, Petitioner requests this Board grant authority to exceed the 50 page limit in its Post Hearing Brief to approximately 125 pages as well as various appendices.

WHEREFORE, the Petitioners herein respectfully request that the Pollution Control Board grant Petitioners authority to exceed the 50 page limit set forth by 35 Il.Adm.Code 101.302(k).

Dated: December 19, 2003

Respectfully submitted,
EDWARD D. SMITH KANKAKEE COUNTY
STATE'S ATTORNEY AND THE COUNTY
OF KANKAKEE

By: HINSHAW & CULBERTSON

A handwritten signature in black ink, appearing to read 'R. S. Porter', is written over a horizontal line.

Richard S. Porter
One of Its Attorneys

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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 December 19, 2003, a copy of the foregoing was served upon:

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By depositing a copy thereof, enclosed in an envelope in the UPS Overnight Mail at Rockford, Illinois, before the hour of 5:00 P.M., addressed as above.



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