

RECEIVED
CLERK'S OFFICE

DEC 15 2003

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BYRON SANDBERG,

Petitioner,

No. PCB 04-33

(Third-Party Pollution Control
Facility Siting Appeal)

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

Respondents.

WASTE MANAGEMENT OF ILLINOIS, INC.,

Petitioner,

No. PCB 04-34

(Third-Party Pollution Control
Facility Siting Appeal)

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

Respondents.

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

Petitioner,

No. PCB 04-35

(Third-Party Pollution Control
Facility Siting Appeal)
(Consolidated)

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

Respondents.

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on December 15, 2003, we filed with Mr. Bradley Halloran, the attached **RESPONSE TO STATEMENT OF COSTS** in the above entitled matter.

WASTE MANAGEMENT OF ILLINOIS, INC.

By: 

One of Its Attorneys

Donald J. Moran
PEDERSEN & HOUP
161 North Clark Street, Suite 3100
Chicago, Illinois 60601
(312) 641-6888
Attorney Registration No. 1953923

Petitioner WASTE MANAGEMENT OF ILLINOIS, INC. ("WMII"), by and through its attorneys, Pedersen & Houpt, responds to the Statement of Costs to be Reimbursed to the City of Kankakee ("Statement of Costs") by stating as follows:

1. In the Statement of Costs, the City of Kankakee requests that this Board enter an order requiring WMII, the County of Kankakee, and Edward D. Smith to reimburse the City for certain expenses incurred in preparing and certifying the record in this appeal.

2. The City requests reimbursement for, among other things, the cost of the original transcripts of the public hearing, nine copies of the transcripts, and delivery of the record to Chicago. These costs are not properly reimbursed to the City.

3. Section 107.306 of the Pollution Control Board's Procedural Rules provides that Petitioner in a siting appeal must pay the cost of preparing and certifying the record to the Board. Section 107.304(c) provides that seven copies of the transcript and one original and nine copies of other documents must be filed. There is no requirement that original transcripts be filed. In addition, only seven copies of the transcripts need be filed. Finally, there is no provision that transportation or delivery costs of the record must be reimbursed to the City.

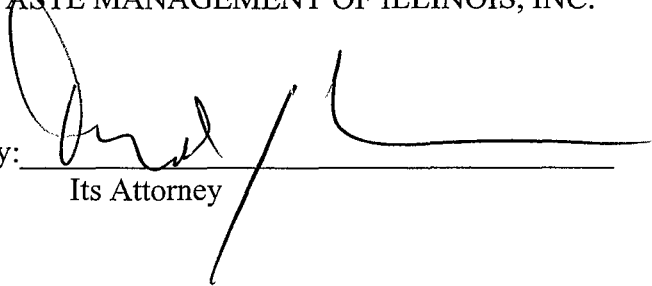
4. The rules do not permit the City to charge petitioners the cost of original transcripts or transportation costs. These amounts should be subtracted from the Statement of Costs.

5. WMII agrees that it and the County may be required to pay the necessary and reasonable costs of preparing the record, which includes nine copies of the application and exhibits, seven copies of the transcripts, binding materials and the cost of numbering pages.

WHEREFORE, WMII respectfully requests that this Board deny the City's request that petitioners pay the amounts specified in the Statement of Costs, and require only those costs to be reimbursed which are properly chargeable under the Illinois Environmental Protection Act and Board Rules as expenses incurred in preparing the record of proceedings.

Respectfully Submitted,

WASTE MANAGEMENT OF ILLINOIS, INC.

By: 
Its Attorney

Donald J. Moran
Pedersen & Houpt
161 North Clark Street
Suite 3100
Chicago, Illinois 60601
Telephone: (312) 641-6888
Facsimile: (312) 641-6895

PROOF OF SERVICE

Victoria L. Kennedy, a non-attorney, on oath states that she served the foregoing
RESPONSE TO STATEMENT OF COSTS on the following parties as set out below:

Bradley Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11th Floor
Chicago, Illinois 60601
via hand delivery

L. Patrick Power, Esq.
956 North Fifth Avenue
Kankakee, IL 60901

Mr. George Mueller
Attorney at Law
501 State Street
Ottawa, IL 61350

Mr. Charles F. Helsten
Hinshaw & Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, Illinois 61105-1389

Mr. Byron Sandberg
109 Raub Ave
Donovan IL 60931
via electronic transmission-
byronsandberg@starband.net

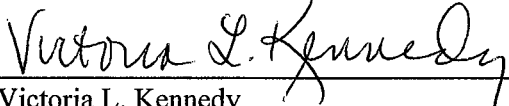
Edward Smith
Kankakee County State's Attorney
Kankakee County Administration Building
189 East Court Street
Kankakee, Illinois 60901

Mr. Kenneth Leshen
Assistant City Attorney
One Dearborn Square
Suite 550
Kankakee, IL 60901

Christopher Bohlen
Barmann, Kramer and Bohlen, P.C.
300 East Court Street, Suite 502
P.O. Box 1787
Kankakee, IL 60901

Ms. Claire Manning
Posegate & Denes, P.C.
111 N. Sixth Street
Springfield, IL 62705

by electronic transmission to Mr. Byron Sandberg at the e-mail address noted above, by hand delivery to Mr. Bradley Halloran, and by depositing a copy thereof enclosed in an envelope in the U.S. mail at 161 N. Clark St., Chicago, Illinois 60601 on this 15th day of December, 2003 to all other parties listed above.


Victoria L. Kennedy