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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JAN 12 2004

STATE OF ILLINOIS
POLLUTION CONTROL BOARD

ROCHELLE WASTE DISPOSAL, L.L.C.)

Petitioner,)

vs.)

No. PCB 03- 218

(Pollution Control Facility
Siting Appeal)

CITY COUNCIL OF THE CITY OF)

ROCHELLE, ILLINOIS,)

Respondent.)

NOTICE OF FILING

TO: Counsel or Parties on attached Certificate of Service.

YOU ARE HEREBY NOTIFIED, that on January 12, 2004, we filed an original and nine copies of the attached Agreed Motion to Exceed Page Limit with the Illinois Pollution Control Board, a copy of which is herewith served on you.

ROCHELLE WASTE DISPOSAL, L.L.C.

By: 
Michael F. O'Brien

Michael F. O'Brien
McGreevy, Johnson & Williams, P.C.
6735 Vistagreen Way
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815/639-3700
815/639-9400 (Fax)

ATTORNEY'S CERTIFICATE OF SERVICE

The undersigned, being first duly sworn on oath, depose and say that I am an attorney and served the foregoing instrument upon the within named:

Brad Halloran
Illinois Pollution Control Board
100 West Randolph Street
11th Floor
Chicago, IL 60601
Fax: (312)814-3669
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Richard Porter, Esq.
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Alan Cooper, Esq.
Rochelle City Attorney
400 May Mart Drive
P.O. Box 194
Rochelle, IL 61068
Fax: (815)562-3857
Email: cooplaw@rochelle.net

by sealing a true and correct copy of the same in an envelope, addressed as shown above, with sufficient United States postage and by depositing said envelope, so sealed and stamped, in the United States Mail at Rockford, Illinois, at or about the hour of ___ o'clock p.m., on the ___ day of January, 2004, and by telefaxing and emailing a true and correct courtesy copy of same to the fax number and email addresses set forth above, at or about the hour of ___ o'clock a.m./p.m., on the ___ day of January, 2004.

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AGREED MOTION TO EXCEED PAGE LIMIT

The Petitioner, Rochelle Waste Disposal, L.L.C. ("RWD"), by its attorneys McGreevy, Johnson & Williams, P.C., moves for leave to file a post-hearing brief not in excess of 80 pages and in support thereof states the following:

1. RWD's deadline for filing its post-hearing brief is this Friday, January 16, 2004, and it appears that the issues cannot be dealt with completely within the normal 50 page limit of Section 101.302(k) of the Board's General Rules.


2. Even when the issues were limited to merely the statutory criteria, the various parties dealing with those issues wrote reports or briefs in excess of 50 pages, the Rochelle City Council's Hearing Officer having submitted a 54 page report, the City Staff having submitted a 98 page report and the Petitioner having submitted a 116 page post-hearing brief to the Council's Hearing Officer.

3. In addition to dealing with the various criteria, the Petitioner now also needs to deal with the fundamental fairness issue, and the Petitioner's counsel has concluded that he requires at least 80 pages to deal with all of those issues.

4. Counsel for the Rochelle City Council has informed RWD's counsel that the City Council has no objection to such an order being entered.

WHEREFORE, the Petitioner requests leave to file a post-hearing brief to the Board not in excess of 80 pages.

ROCHELLE WASTE DISPOSAL, L.L.C.

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Rockford, IL 61101
Fax: (815) 963-9989
Email: rporter@hinshawlaw.com

by sealing a true and correct copy of the same in an envelope, addressed as shown above, with sufficient United States postage and by depositing said envelope, so sealed and stamped, in the United States Mail at Rockford, Illinois, at or about the hour of ___ o'clock p.m., on the ___ day of January, 2004, and by telefaxing and emailing a true and correct courtesy copy of same to the fax number and email addresses set forth above, at or about the hour of ___ o'clock a.m./p.m., on the ___ day of January, 2004.

Michael F. O'Brien

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FACSIMILE TRANSMISSION

TO: Mr. Brad Halloran

ORGANIZATION: Illinois Pollution Control Board

FROM: Michael F. O'Brien

DATE: January 12, 2004

TOTAL PAGES: 6 (Including Cover Page)

FAX NUMBER: (312) 814-3669

SENT BY: Susan McIntyre

CLIENT CODE: ROWAST-1

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Thank you

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Re: Rochelle Waste Disposal, L.L.C. v. City Council of the City of Rochelle

cc: Richard Porter, Esq. (815)963-9989
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