

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**MAY 17 2004**

**STATE OF ILLINOIS**  
**Pollution Control Board**

WASTE MANAGEMENT OF ILLINOIS, INC., )  
)  
Petitioner, )  
)  
vs. )  
)  
COUNTY BOARD OF KANKAKEE COUNTY, )  
ILLINOIS, )  
)  
Respondent. )

No. PCB 04-186  
(Pollution Control Facility  
Siting Appeal)

**RESPONDENT'S ANSWER TO WASTE MANAGEMENT'S PETITION  
FOR HEARING TO CONTEST SITE LOCATION DENIAL**

NOW COMES, Respondent, COUNTY BOARD OF KANKAKEE COUNTY, ILLINOIS, and as and for its Answer to Waste Management of Illinois, Inc.'s Petition for Hearing to Contest Site Location Denial (hereinafter "Waste Management's Petition for Hearing") states as follows:

1. Respondent, County Board of Kankakee County, Illinois, admits the allegations contained in Paragraph 1 of Waste Management's Petition for Hearing.
2. Respondent, County Board of Kankakee County, Illinois, admits the allegations contained in Paragraph 2 of Waste Management's Petition for Hearing.
3. Respondent, County Board of Kankakee County, Illinois, admits the allegations contained in Paragraph 3 of Waste Management's Petition for Hearing.
4. Respondent, County Board of Kankakee County, Illinois, admits the allegations contained in Paragraph 4 of Waste Management's Petition for Hearing.
5. Respondent, County Board of Kankakee County, Illinois, admits the allegations contained in Paragraph 5 of Waste Management's Petition for Hearing.

6. Respondent, County Board of Kankakee County, Illinois, admits that Waste Management submitted a motion to renew consideration of its 2003 Application; however, Respondent denies that the County Board of Kankakee County, Illinois agreed to consider the motion the motion, as alleged in Paragraph 6 of Waste Management's Petition for Hearing. Rather, the County Board was deadlocked, in a 13-13 vote, on whether the consider the motion. Respondent further affirmatively asserts that the motion to renew has not been reviewed or placed on the County Board's agenda.

7. Respondent, County Board of Kankakee County, Illinois, admits that Waste Management contests the County Board's March 25 decision, but denies that the County Board's decision was fundamentally unfair, unsupported by the record or against the manifest weight of the evidence, as alleged in Paragraph 7 of Waste Management's Petition for Hearing.

8. Respondent, County Board of Kankakee County, Illinois, lacks sufficient information to admit or deny the allegations contained in Paragraph 8 of Waste Management's Petition for Review.

DATED: 5/13/04

COUNTY BOARD OF KANKAKEE COUNTY,  
ILLINOIS,

BY: HINSHAW & CULBERTSON

  
\_\_\_\_\_  
Charles F. Helsten

Firm No. 695  
HINSHAW & 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 May 13, 2004, a copy of the foregoing was served upon:

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601-3218

Donald Moran  
Pedersen & Houpt  
161 N. Clark Street, Suite 3100  
Chicago, IL 60601  
312/641-6888

George Mueller  
George Mueller, P.C.  
501 State Street  
Ottawa, IL 61350

Kenneth A. Bleyer  
923 W. Gordon Ter., #3  
Chicago, IL 60613-2013  
773/348-4005

Elizabeth Harvey  
Swanson, Martin & Bell  
One IBM Plaza – Suite 3300  
330 N. Wabash  
Chicago, IL 60611

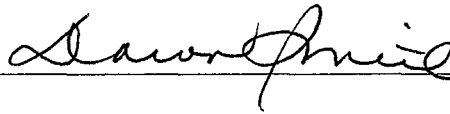
Edward Smith  
Kankakee County State's Attorney  
450 East Court Street  
Kankakee, IL 60901

Christopher Bohlen  
Barmann, Kramer & Bohlen, P.C.  
200 East Court Street, Suite 502  
Kankakee, IL 60914

Keith Runyon  
1165 Plum Creek Drive  
Boubannais, IL 60914

Jennifer Sackett Pohlenz  
David Flynn  
Querry & Harrow  
175 W. Jackson Blvd., Suite 1600  
Chicago, IL 60604-2827

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



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HINSHAW & CULBERTSON  
100 Park Avenue  
P.O. Box 1389  
Rockford, Illinois 61101-1389  
(815) 490-4900