

Carolyn K. Gerwin 705 South Locust Street Pontiac IL 61764 (815)842-2486

RECEIVED CLEPK'S OFFICE

JUL 1 8 2003

STATE OF ILLINOIS Pollution Control Board

Pollution Control Board Attn: Clerk 100 West Randolph Street James R. Thompson Center, Suite 11-500 Chicago, Illinois 60601-3218

Re: CALE v. American Disposal Services, No. PCB 03-236

Dear Sir:

Please find enclosed for filing one original and nine copies of Petitioner Citizen Against Landfill Expansion's (1) Memorandum in Opposition to Applicant's Motion to Dismiss; (2) Motion for Leave to Amend Petition; and (3) Petitioner's letter to respondents' counsel regarding destruction of documents.

Yours truly. K. Kerwin un1

0-1-5/

Carolyn K. Gerwin Counsel for Petitioner

Cc: Counsel of Record (w/enc)

### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Citizens Against Landfill Expansion, Petitioners	)
V.	)
American Disposal Services of Illinois, Inc. Respondent,	)
and	)
Livingston County Board, Livingston County,	)

Illinois, Respondent

No. PCB 03-236

#### MEMORANDUM IN OPPOSITION TO APPLICANT'S MOTION TO DISMISS PETITION FOR REVIEW

Citizens Against Landfill Expansion, an unincorporated association of residents of Livingston County (hereinafter "CALE"), hereby opposes the Motion to Dismiss filed by American Disposal Services of Illinois, Inc. ("Applicant") on July 3, 2003. Applicant attempts to avoid review of the siting of a 160-acre, 50-million-cubicyard expansion of the Livingston Landfill located in Pontiac, Livingston County, Illinois on grounds that CALE did not participate in the local siting hearing. The Motion to Dismiss should be denied with prejudice for the reasons set forth below and reasonable fees and expenses awarded to Petitioner. In the alternative, Petitioner requests leave to amend the Petition to Review to name individual members of CALE as additional Petitioners, as set forth in Petitioner's Motion for Leave to Amend being filed at the same time as this Memorandum.

I. <u>CALE fully participated in the local siting hearings</u>.

CALE is an unincorporated, voluntary association of residents of Livingston County who oppose expansion of the Livingston Landfill. As such, it has no separate legal identity as a corporation would have. Rather, it can act only through its individual members or agents. CALE actively participated in the siting hearings held March 10-14, 2003, regarding the proposed expansion.

The statute concerning appeal does not require a formal "appearance" by a citizens' group. It states only that "a third party...who participated in the hearing conducted by the county board...may...petition the Board for a hearing to contest the

approval of the county board." 415 ILCS 120/40.1(b). As an unincorporated, voluntary association of citizens, CALE participated in all aspects of the siting process through its members and counsel.

A. <u>CALE participated in the siting hearings directly through</u> <u>individual members</u>.

Many members of CALE actively and directly participated in the hearings. For example, Mrs. Doris Burnside of rural Pontiac is a member of CALE. See Affidavit of Doris Burnside, Exhibit A. Mrs. Burnside sat at the objectors' table with counsel for CALE throughout the five days and two evenings of testimony. Id. She also made a public comment and submitted documents that became part of the record. See Transcript, Pages 665-670.

Mrs. Julie Russow of Cornell is also a member of CALE. See Affidavit of Julie Russow, attached hereto as Exhibit B. Mrs. Russow made a public comment and submitted written comment after the hearing. See Affidavit of Julie Russow, Exhibit B. Mrs. Russow attended virtually all the afternoon and evening sessions of the hearings. See id. As Applicant states in its Motion to Dismiss, Mrs. Russow made direct reference to CALE during her public comments. Motion to Dismiss, para. 5 (referring to Transcript, Page 641.)

Other members of CALE that participated directly in the hearings include: Mrs. Phyllis Ryan of Pontiac, who made a public comment (see Transcript, Pages 660-64 & statement of Phyllis Ryan, attached hereto as Exhibit C) and Ms. Barb Christensen of Dwight, who made a public comment (see Transcript Pages 1397-1410 & statement of Barb Christensen, attached hereto as Exhibit D). Several others made comments, oral or written, as well. If the Pollution Control Board ("PCB") deems it necessary for CALE to submit affidavits from additional participants, CALE will be happy to do so upon request.

Members of CALE who did not personally attend the hearings were represented by Mrs. Burnside, Mrs. Russow, Ms. Christensen and Ms. Gerwin. See Statements of over 90 individuals, attached as Attachment 2 to the Affidavit of Doris Burnside, Exhibit A, in which each individual affirms that they are a member of CALE and that they were represented at the hearing by these individuals. Thus, through its members, CALE participated in all aspects of the siting process.

#### B. CALE also participated in the siting hearings through counsel.

CALE further participated in the siting hearings through counsel. The siting ordinance does not indicate that an unincorporated, voluntary association of citizens must file a formal "entry of appearance." It requires only that "members of the public who desire to be participants in the hearing must submit written notification ... to the County Clerk ten days before the first day of the public hearing." Livingston County Siting Ordinance, para. 11, attached hereto as Exhibit E. As Applicant noted in its Motion, Ms.

Gerwin provided notice of her intent to participate, Motion to Dismiss, para. 3, and other members of CALE signed up individually.

Ms. Gerwin participated extensively in the hearings, attending every session and cross-examining all Applicant's witnesses. See Transcript, *passim*. On behalf of CALE, Ms. Gerwin also presented witnesses, including hydrogeologist Professor Sondra Sixberry of Olivet Nazarene University, who was compensated by CALE and testified on its behalf. See Transcript, Page 1289, a printout of which is attached as Exhibit F.

Applicant claims, however, that it should be permitted to avoid review of the siting decision on grounds that counsel for CALE used the terms "several private citizens" and "other objectors" to refer to an unincorporated, voluntary association of private citizens. See Motion to Dismiss, para. 4. Neither Applicant, nor the Livingston County Board, nor the Hearing Officer objected to Ms. Gerwin's statements, nor did they request any further identification of such other objectors or the citizens group.

In its argument, Applicant failed to mention that during the hearing itself, in discussing Professor Sondra Sixberry's qualification to testify, Ms. Gerwin clearly stated, "[s]he's providing services not to the governmental body but *to our citizens group*." Transcript, Page 1289 (emphasis added), Exhibit F. Thus, an expert witness clearly identified as representing the citizens group testified at the siting hearing. Again, none of the participants protested, questioned the reference to the citizens group, or asked for further identification of the group.

In point of fact, no such further identification would have been necessary. Ms. Gerwin, Mrs. Burnside, and Mrs. Russow were well known by Applicant to be leaders of CALE. By that time, CALE had been actively opposing the expansion for many months. When Applicant began the process of applying for the proposed expansion in spring of 2002, members of CALE collected hundreds of signatures of concerned citizens who opposed expansion. See Petitions to Oppose, Affidavit of Doris Burnside, Exhibit. A. (Applicant withdrew its first application on October 8, 2002, because it failed to give proper notice as required under the statute.) The petitions variously refer to the group both by "Livingston County Conservation Committee," and by "Citizens Against Landfill Expansion." The name was changed early on to prevent confusion with any governmental agency, but it was the same group, using the same post office box, that quickly became known as CALE. Ms. Gerwin presented copies of the petitions at meetings of the Livingston County Board. See Affidavit of Doris Burnside, Exhibit A. Newspaper reports referred to CALE and identified Ms. Gerwin and Mrs. Russow by name. See Affidavit of Julie Russow, Exhibit B. Furthermore, members of CALE, including Ms. Gerwin and Mrs. Burnside, met with landfill representatives at the landfill's offices on two separate occasions prior to the hearings. See Affidavit of Doris Burnside, Exhibit A; see also Testimony of John McDonnell (for Applicant), Transcript, p. 70, printout attached hereto as Exhibit F (referring to one such meeting). In short, CALE's existence and leadership were well known to all parties before, during and after the hearings.

II. <u>CALE is entitled to petition the Board for review of the siting decision and</u> to claim exemption from the fee for certification of the record.

Applicant knew about CALE and was familiar with its leadership. Counsel for CALE indicated that she was representing other objectors. The hydrogeologist who testified in opposition to the expansion was identified as testifying for the citizens group. Applicant never objected to counsel's statement that she represented "other objectors" or questioned the reference to "our citizens group" during the hearings. Furthermore, Applicant does not claim that it was in any way prejudiced as a result of the manner of participation of CALE during the siting hearings. Applicant's claim that CALE did not participate in the hearings simply has no basis in fact. Thus, Applicant's attack on CALE's standing to appeal must fail.

Members of CALE petitioned for review as a citizens' group in order to claim the exemption allowed to such groups under Section 39.2(n) of the siting statute, which relates to payment of fees for certifying the record on appeal. 415 ILCS 5/39.2(n). Given the fact that the hearings lasted a week and involved extensive exhibits, Petitioner anticipated that such fees would be very high. Without the exemption, the cost of the appeal would have been prohibitive. The legislature clearly anticipated that an unincorporated, voluntary association would qualify for the exemption from the fees. The statute does not specify *how* a party that exists in the form of an unincorporated citizens' group must participate, only that it do so. CALE clearly did so in a manner consistent with its status as an informal association of concerned citizens. Thus, CALE has earned the right to petition for review by the Board and to claim exemption from the fee for certification of the record.

For the foregoing reasons, CALE respectfully requests that the PCB reject Applicant's attempt to avoid review, deny the Motion to Dismiss, grant Petitioner its reasonable fees and expenses incurred in opposing the Motion to Dismiss, and for such further relief as the Board may deem appropriate.

Respectfully submitted,

n K. Derwin

Carolyn K. Gerwin Counsel for Citizens Against Landfill Expansion

Carolyn K. Gerwin Attorney at Law 705 South Locust Street Pontiac, Illinois 61764 (815) 842-2486

# EXHIBIT A

#### AFFIDAVIT

State of Illinois ) ) SS. County of Livingston )

I, Doris Burnside, having been duly sworn on oath, depose and state as follows:

1. I live in rural Pontiac, Illinois. I am a member of CALE. I sat at the objectors' table with Carolyn Gerwin, counsel for CALE, throughout the five days and two evenings of testimony during the siting hearings regarding the proposed expansion of Livingston Landfill, which were held March 10-14, 2003. I made a public comment and submitted documents that became part of the record.

2. Attached hereto as Attachment 1 are true and correct copies of petitions that were collected by Citizens Against Landfill Expansion ("CALE"). Ms. Gerwin presented copies of the petitions at meetings of the Livingston County Board.

3. Members of CALE, including Ms. Gerwin and myself, met with landfill representatives at the landfill's offices on two separate occasions prior to the hearings.

4. Attached hereto as Attachment 2 are true and correct copies of signed and witnessed statements of over 90 members of CALE stating that they were represented at the siting hearings by Carolyn Gerwin, myself, Julie Russow and Barb Christensen.

5. In my opinion, the existence of CALE and its leadership were well-known to Applicant before, during and after the hearings.

Alous E. Burnsede

Subscribed and sworn to before me this 17<sup>th</sup> day of July, 2003

Notary Publ JAMES J NOTABY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES:07/17/08 WWW WWW ENDER BOTH THE WORK STATES TO THE STATES

ATTACHMENT 1

We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte. 23.

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Please return fully or partially signed petition to Citizens Against Landfill Expansion, PO Box 53, Pontiac IL 61764 or call 844-2486 for pickup by June 11, 2002. Thank you.

We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at 1-55 and Rte. 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at 1-55 and Rte. 23.

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PO Box 53, Britian IL 61764 or call 844-2486 For pickup by June 11, 2002. Thank you.

PETITION TO OPPOSE

We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte. 23.

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#### **PETITION TO OPPOSE**

We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte. 23.

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We, the undersigned residents of Livingston County, Illinois, oppose any expansion of the Livingston Landfill at the intersection of 1-55 and Rte. 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at 1-55 and Rte. 23.

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Please return fully or partially signed petition to Citizens Against Landfill Expansion, PO Box 53, Pontiac IL 61764 or call 844-2486 for pickup by June 11, 2002. Thank you.

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21. Carole Cashmer 7323 E. 2475 N. Cornell, Actis 19 22. Ketty Destmann 118 a Torsaree Are, Pontiac IL 61764 23. Karen Cupples 975 N. Main Pentiac 24. Robert J. Reilf 1301 Kempt St Pontiac FL 61764 25. Mildud Acmittan 215 E. Washington Tomlia 27. Eunice Hakan Hor Baral CA. - Pontia & 61764 28. David Setterlund 322 5 Main Pontiac 11- 61764 29. Josh Christianson HII N. OAK St. Pontial IC 6/764 30. Clizabette Peters 103 M. Main Felanogan Il 6/747 31. Mayne Shihardt 327605. 200N. Rd Cabery, Pl 60919 32. Juli 27 100 Indrand Ave Pontiac, IL 61964 33. Elsie I Former 15646 E. 2300 N. Rd. Contine pr. 61764

We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte. 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at 1-55 and Rte. 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte. 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at 1-55 and Rec. 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte. 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte. 23.

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Please return fully or partially signed petition to Citizens Against Landfill Expansion, PO Box 53, Pontiac IL 61764 or call 844-2486 for pickup by June 11, 2002. Thank you.

We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at 1-55 and Rte. 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte, 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte. 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte. 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte. 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte. 23.

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We, the undersigned residents of Livingston County, oppose any further expansion of the Livingston Landfill at I-55 and Rte. 23.

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# **PETITION**

We, the undersigned residents of Livingston County, Illinois, oppose any expansion of the Allied Waste Landfill at the intersection of I-55 and Rte. 23.

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Please return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002. For more petitions, please call 844-2486. Thank you!

# **PETITION**

We, the undersigned residents of Livingston County, Illinois, oppose any expansion of the Allied Waste Landfill at the intersection of I-55 and Rte. 23.

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Please return this to Livingston Co. Concervation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002. For more petitions, please call 844-2486. Thank you!

Name Phone Address STar Henry 0 1. 1 245 6 2 2610 3. 313 dein 844 706 S. Walnut 75 95 erson h 8  $\mathcal{N}\mathcal{D}$ CIV 5 nse Q Blow 10/1 horson 6.  $\omega$ 3, 3 Q 7. 8. 367 9. 44-3406 norion NI400FR 10. 836 a OX 11 2  $\delta$ 99 6 06 12. Ь MI Λ 998-2630 13. 402 W 28-2630 U 14 842-1950 2315 15. ð Nin 7 16. 17. Ы 18. 7: 3 19. 80 1 20, de  $\alpha$ Please return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002. For more petitions, please call 844-2486. Thank you!

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Name Phone Address Suelle " 815-842-1243 72538 N12QOERD P 815 842 1242 NI 1200 F RU 2 20 Pontie 1205 Myon Da 842-2451 844-2603 1203 Nixon Drive 815-0-17368 Bill Rd. 815-844-6406 6.4 17810E 1200N Royan 7. 1781 8. rdina 9 17817 E 1705 outrac T 61764 8122 NO N Li Portiac. TI lastic F 10. 17250 1 7250 BULLERA How 61764 inc 12 13 803 W North St. Pontiac. IL-61764 14 and Kortea 15.0 827 303 W. Nople hastu St. 6176 16. 17. Marie Lullian 619 w. Prairie Portiac, 18. 19. 20.

Please return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002. For more petitions, please call 844-2486. Thank you!

Name Address **Phone** 844-5451 1. 205 man 2 б 6 EKONK 58 ynold SPATH MILL YOUTAC 5. 44.72.77 -0968 6. XON, DR. POHT:AC 10 RA 99 Pontia 7 1600 8445078 2 onties 8. lds 9. 30 0 44 446× 10.0h 11 08-0 12. วหา 13 80 14 nhac, Ily 15. 16 17 ontiac IL 769 61 18. 801 19  $\boldsymbol{o}$ 20. 1510110 AL ZISO E Postia Please return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002.

For more petitions, please call 844-2486. Thank you!

Name Address Phone 23817 NI500E 842-2 ussow nos 23817 N. 1500 East Rd. 1000AU Odel (00460 3. 120W Maulton PulliAC z-378/ Hatiad 781 Maul antis 5. 602 52 6. m SZ 7. 60NTIAC 386 2281 THETLE 842 8. 4-6945 901 Rol nti 9. 10. 401 5. HARWAR 11. 32 E 2500 N Rd 12. 13 tonh. 6176 14. sla SA6176V 15. est. Ŵ 810 S 17. Malal hhter 18. OLUI Alp ich 19. 506 W. 2 hor 20. return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002 Piease Marie a. Watsen 306 Carol Ct. Pontiae, Il- 61744 21

Name Address Phone 1. Chercel MM2001 24858 E ISDON Janherry 832. 3282 ill - 8 2000 N arne 6327 E 40 13-5953 0 Pontiac Δ 2000 MI 3 Paypon Hont. Kol Min Urun 613 844-3504 4 Ratwood Manan (Postiac) 842-25-28 5. NOONG S Pontine 8422841 516 N. Walnut 6. 310 W. South <u>Owight</u> 584-1837 7. 2 844 -3205 8. 844-2625 9. 607 Keynolds 61 849-905, 10. Oak hood 5 11. Mail 5. 12 796-4. 201 1740 503 1764 842-26 13. Antere de 61764 1801 14. vez 844-6674 Oak Antiac 610 61764 15. iston Pontisc Sel. 61764 16. 1207 358-2316 P.O. Box 17 844612 318 18. MBT a 692-328 198 844-2846 ALA 20. 4 lou tire Please return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002. For more petitions, please call 844-2486. Thank-you! 21,114 4455G() S. Main St. Portiac

Name Address Phone 815 6731258 7746 £ 2950 NC MANULIC 11trathe 1 Mamille 8156723278 2 · TOOERI, 168 N unson 3/ 300 29 EAST RD Ancont 61311 48 3 5023E 2800 anego 5 1739 2800 N RD Anula R61311 5023E 6. 2800 North 7. 30448 Post Pa 8. 333 Ģ1 K Ø Li 9 314 19 91n0 10 DINE comed Sill 613 11 MVP 10/319 12 Cog 70.3 QĮ H. Bai Helander 703 Bauna ornell 61319 13. M 8080 14.X 61319 u M 85 9719E Corne -231 16. 27001 ningham 2383 17. NRD 971 inning 700 18. Eugene U 69868 2400 N.R.l Seo 164 (XA 19 inAm 1311 5. SHABBONA Ţζ 61364 STREATOR eis6986 E 2400N c. el 61764  $\mathcal{O}_{\delta \mathcal{N}}$ 20. Please return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002.

For more petitions, please call 844-2486. Thank you!

### <u>PETITION</u>

Name Phone ddress Z S 2832 N. 1300 ERd Pontiac \$15-84 1. 2839 ou East Rd. Cornell 815 26505 35 2 895 2600 3 68 2700 358 68 3 OR  $\boldsymbol{a}$ 6. 358-2683 7 8 358 9. 2695 10. ঠিপ্সা 2 750 E.Rd. on 3 SI 11. 09 MAINCORNEL Я (\_\_\_\_\_ 12. 8 13/  $\infty N$ RD 19 ome 14 15 -351 16. 17. 22 ontia 18 Ś 1300 E.Rd Vontra 19. 20

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Name Phone Address 12368E 1950 N. Rd Aboutiac 842-430A 1. u Vinnice 19 Redund MAMR Protion 844.10795 WINN 2 71/2-11. hours to 3. 5011 2596 E 19500 Kon 5. 1-JENY 200 Vunillin Est Nilys 1518 Villiame St 1-1-2.5 14 7. W 10821 E. 1300 N. Rd Chenoa 945-740 12. 523 S. P. Lum St. Pontiac Il 844-3841 & AHADA 13. Due 12399 E 2600 of Council, M. 358-2633 14. < ON 38 STech: PONTISE the 15. mon Arna 1 Intiec 11 Run 16. \_ 17. 18.\_\_\_\_ 19. \_\_\_\_\_ 20. Please return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002.

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Name, Address Phone 714 M.II Pontiac 1. Pontuse 2 m 3. n 4. butlee 5. ( arr 6. Streato-7 ONTIAC 8 9 Forwast 10. 11. 12. PONTIAL 13. Boutiac Meronez  $14 \sim$ C tontiac 15 ls 16. Oiao. 17: trac 18 Э 19. Lonold ( 20

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Name Address Phone 844-3896 397 C. 1950N. Rd 1. 358-2351 Condl 2 90. 844-769-3. 796-2831 2/007 6-71 lanoon 5 358-235 5 Instl N. - 2660 710E 42 219521 6. es 10/1 W W 15 )a 8 75 ntiae. 869 N 2010 9 10. 844625 these 907 11. 4226 952 12. 18869 N 18! Pontiac I 2000 E Rd 844-13. ัพ 2710 Pontiac 743-5953 SSGSE JUUG N Road 14. on 844cros 901 15. 844-5303 Pontiac ۶ Ia un ho h 1307 16.4 88692 844-7710 ZOODEASI KO 17 50NKd 18. 1 つ D4 19. N. 3080 n. 11706 U 20. 60718 7100 ĥ Please return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002.

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Name Phone Address 832aunemur 1 MELLATURA / Manie 21 11 01 832-4084 3 nomin 842-2911 5 4 las n 5. Port 2-2000 6. 7. 8 01 9 10 11 \$47.3550 DNO 12. 842-2911 ontiac isan 13. es 14. \_\_\_\_\_ 15. 16.\_\_\_\_\_ 17. \_\_\_\_\_ 18.\_\_\_\_\_ . 19.\_\_\_\_\_ 20.

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Name Address Phone 204 Pare to, Conell Ja (815) 358-206 Rack St Currell Sll 815-358-2309 U) (815 1309 dole lu 51 5700 815-358-290 Prairie St. Corn 703 E. overy 815 Jal 608 Bridley St A 61319 358-267 'Û 366N 61319 8. Ipr 9 LT ias ell 61764 blos. untruside Lu 10. 2 un II. 61739 11.6 12. 13. Vouliar 14 15. 16 Ja luxic ]Kd 17. 18. 19. 20. Please return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June #, 2002.

For more petitions, please call 844-2486. Thank you!

Name Address Phone 796-2768 06 05 06 Λ 2 1 りチ 313 ad 9 N. orline Ala ams 3 -4500 796 LDAG 16713 743-5845 Rd Gn 5. 96-2723 Ċ. 6. Ö min ar 6-2723 01 Q 7. mas 8. 507 QQ 9 ento 40 10. mina ochoor V 11. 12 A 60X 2 ఎంం N) 13. 14 X. 9%-2770 15. 796-2967 06 N Harrison 16 4 17. 4 10 8 5795 18.0 13309 N 600 7 ÷ Hanagan 796-268: 19. Que 63 796-278 anl 20. /

Please return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002. For more petitions, please call 844-2486. Thank you!

Name Address Phone 844 Criptol Q -5871 1. 10 171 WK 2 3. 23 Cu. ntrée 5. 844-7936 Toutian 6. M estal レイ ano. 7. 6 8 XY 4 ŝ 9 1662 10. 赶  $\overline{m}$ NNI -1667 11. 871 51 20 44-6  $\overline{\mathbf{x}}$ 12. on Ø 13. 2 Q.a. **آ**4 00 633 15. 62 61 16. Ş 17. Ć 7.11 U Kot S 18 ろひ S.M 19. 10C ĬŲ 6 IN R 1 M 20.

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Name Address Phone 17705 EIJOONAL. Po 844-7979 L ntra è. 1. Comell 358-281. 109 43 2300 NIAL 815 ICGN onne 2 02 sta 30 nn n **n** m 61164 19641 5. 1200 ĸa 636 15-8 125 W Livi DASTON ONT 6./ HILS Udiana 61764 326 7. 512 S 1St 61739 tair buri 8. 842-137 709 BOULDER 1764 9/ DR. TIME 1208 M. alunda 264 10. 7 (Prostiac 11 Inn 10011 12. Ulan SYDA 13 13 NUSTOX 1 min 3198 innastor 14 Pontar, cor. 6/164 noust 15. 16. 100.10171041 Normillim 17 - EH2-1621 915 Pontisi Th 61744 18/ 17964 N 1750 ER 271768. 2500 Northchd Emington IL 603 19. G 815-796-2248 Hanagan 61740 20, 210 Ŵ Harrisch Please return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002.

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Name / /	Address	Phone	
1. haven Bulit	809 North St	Cornell 358	2686
2 - Join Bohm	82550 N 800	E.R.d. Pantiac	358-281/
3. Brian Lauth	501 N 6+ 1+.	Connerf 1	1 2558
4 Cherry Briffa	- L Sole Bouma	n Coencil	358-2680
5. Juni halson		- 14	358-2893
6. John Rim	21269N DODE RD	<b></b>	796-3267
7. Jul Dila	365 47H	LORNELL	-358-2335
8. Milly Cohor	891 5. Locus	0	842-2868
9. Don Bolen	8215 Locus		842-2868
10. Paul Difful		,	951-2180
	Mr 506 Short.		358-2370
12 Karla Q. Ha	rme 506 Show	•	358 - 2370
13. Dick Lernor d			358 2663
14. amy Warmker		0. A1	358-2595
15. Cimple Phisminger 21249 N. 700 Gast & Flanger 796-326 16. Kardy Domos 91888. 2350 N. Rd Cornell 358-2559			
17 Jon Bus	king 10806	E 2400 N	RD-10RNell
18. Jamara (Backman) 89100 E 2000 N Rd Cornell 358-25			
19. Julen M. Enschen 10068 E 2250 North Rd Pontier, IL 358-2937			
20. <u>Boy</u> <u>Constraint</u> <u>1066</u> <u>1058</u> <u>1050</u> <u>1055</u> <u>1055</u> <u>273</u> Please return this to Livingston Co. Conservation Committee, P.O. Box 53, Pontiac, IL 61764 by June 6, 2002. For more petitions, please call 844-2486. Thank you!			

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Name Address Phone 42-2628 16 manor, Pontia 815 ton 842-2628 Enton 16 Marion ontians Nain lanagan 90 oul 202 ma 5 ontoo Intoon 815.832-4951 indo 55 Saunemin. 6. 815 72 6488 7 L 84 ΙÚ 584-2814 20081 9. 900 'an 10. 11. 12. 14 13. DQ 629 14. 8.1 15. 84 16.6 2 1 17. Port MATINE IL, 6110 18. rnt E 1100N Chenoa, IC 61726 20.

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ATTACHMENT 2

I am part of a local group of Pontiac residents called Citizens Against the Landfill. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar.10th thru the 14th . 2003.

We are appealing the approval by the Livingston County Board for the expansion of the landfill.

<u>echin</u> ed Name

SON

<u>21 Wi</u> Street GA

61.764 POUT JLL LIDOIS Citv and State

Witnessed by: Betty Hendersho

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Name Margal Date Signed Name

<u>JISAGEL</u> GON-TALCT

215 W Marco N Street

Duight IL 60H20 City and State

Witnessed by: Barbara Christensen 6-15-03 Date

I am part of a local group of Livingston County residents called Citizens Against the Landfill Expansion. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th . 2003.

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Sincerely.

Jany O. Jacked 6-27-03 Signed Name Date

HARRYOLACKNER Printed Name

340 W. GOODFARM R.B.

Dwight ILL. City and State

Witnessed by: Thomas A cluby 6-27-03 Date

I am part of a local group of Pontiac residents called Citizens Against the We were represented by Carolyn Gerwin, Doris Burnside, Julie Landfill. Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th . 2003.

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HARRIET J. COCHRAN Printed Name

<u>9 MANOR DR.</u> Street <u>PANHAC, J. H. INOIS</u> City and State

Witnessed by: Betty Kendershot

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Samy Exton 6/12/07 Signed Name

Larry Printed Name

Manor

Pontiac City and State

Witnessed by: Betty Hendershut

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Sincerely,

Date

City and State

Witnessed by:\_\_

Date

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Sincerely.

man

<u>Sennifer Romanetto</u> Printed Name

<u> 211 Wi Pelaware</u> Street

60420 Dwight City and State

02 Γ Witnessed by

To Whom It May Concern:

I am part of a local group of residents in Livingston County, Illinois, called Citizens Against Landfill Expansion (a.k.a. CALE and Citizens Against the Landfill). We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen, and others at the siting hearing for the Livingston Landfill (Allied Waste/American Disposal) held March 10 - 14, 2003.

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Sincerely,

Omlle Meer

Signed Name

ORVILLE MEIER Printed Name

Printed Name

1232 n male

Address

Gontre 24 City and State Frances Pussow

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Sincerely,

David Russon

Signed Name

Printed Name

23301 N. 1040 F. Rd. Address

CORNELL . IL.

City and State

<u>Qui Russour 7-10-03</u> Witness

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Sincerely,

12.03 Signed Name Date

Donna Srove

**Printed Name** 

206 N. Street

anagan City and State

llis Lu 03 Witnessed by

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7(11/123 Date aned Name

n

32424 N 1600 Street

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City and State

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Date

Signed Name

 $\mathfrak{m}$ Printed Name

213 onroe Street

Flanaga City and State

Olis \_\_\_\_\_\_ Date Witnessed b en

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Sincerely,

Ĵΰ <u>1/15/03</u> Sianed lame

51 215 Μ Street tiac 617

City and State

Kyan 7/15/03 kyllis. Witnessed by:

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Signed Name

Oran\_

100 Address

<u>6046</u> d

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Witness

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Signed Nam

Printed N

Address

City and State

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103 igned Name Date

Name

12. Street

127647 **City and State** 

Witnessed by Date

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 $\frac{1}{Date}$ Sianed Name άY Printed Name 408 Street 042 nanetto Witnessed by

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Sincerely.

forma K. Simo 7/14/03 Cinned Name

Joanne K. Sims Printed Name

Box 122, 213 n. Monroe St. Street

Flandan, IL 61740 City and State

Witnessed by: Shyllis Ryan 7/14/03

I am part of a local group of Livingston County residents called Citizens Against the Landfill Expansion. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar.10th thru the 14th . 2003.

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10/03 Signed lame

Thyll.

Stree

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Sincerely,

Signed Name Smith 6/28/03 Date

VIRGINIA SMITH Printed Name

322E NORTH ST Street PONTIAC IL 61764

City and State

Witnessed by Phyllis Lyon 6/28/03

I am part of a local group of Livingston County residents called Citizens Against the Landfill Expansion. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar.10th thru the 14th . 2003.

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Sincerely,

<u>Charles Bein</u> Signed Name <u>17-12</u>, 0.3 Date

es

Printed Name

<u>889</u> ( Street

flis 1 1 7//2/13 Date Witnessed by

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Sincerely,

For Becuce 1/12/03 Signed Name Date

JOAN BEVILL

809 E. TIMBER Street PONTIAC, IL 61764 City and State

Phyllic Ryan 7/12/03 Date Witnessed by

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nyor 7/12/03 Date Signed Name YON Printed Stree 64 **Citv and State** lie Kyan \_\_\_\_\_/2/23 Date Witnessed by

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Sincerely,

Signed Name

Printed Name CORNELL RRI

Street

City and State

Witnessed by:\_\_\_\_\_

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And Motton Williams 7-13-03 Signed Name Date

LINOA MOLTON WILLIAMS Printed Name

<u>306 W, SHERMAN AUE</u> Street <u>PONTIAC, IL 61764</u> City and State

Witnessed by: <u>hyllis Ryan 1/13</u>/03 Date

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Mary K Colinger 01/12/03 Signed Name Date

Mary K Edinger Printed Name

<u>138 North Hezel Street</u> Street

Poutrain Illinois City and State

Witnessed by Phyllis Ryan 7/12/03 Date

I am part of a local group of Livingston County residents called Citizens Against the Landfill. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar.10th thru the 14th . 2003.

We are appealing the approval by the Livingston County Board for the expansion of the landfill.

Sincerely,

Signed **1** 

300 Drance Street

City and State

Witnessed by: Apric E. Burnside 6-24-03

I am part of a local group of residents in Livingston County, Illinois, called Citizens Against Landfill Expansion (a.k.a. CALE and Citizens Against the Landfill). We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen, and others at the siting hearing for the Livingston Landfill (Allied Waste/American Disposal) held March 10 - 14, 2003.

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Sincerely,

Ъ.

Signed Name

Printed Name

968 Bell

Address

City and State

rances

Witness

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Enctson <u>7-11-03</u> Date athy

FRICKSON <u>KATHY</u> Printed Name

JII. Street

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ullis 103 Witnessed b Jan /

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Signed Name

Printed Name

Address

City and State

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Sincerely,

11/03 Tan

Printed Name

af-1222 Street

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City and State

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Sincerely.

<u>Ketta Gerson</u> 6-12-03 Signed Name

Gretta Ryerson

10943 E. 2300 North Road Street Cornell, 1261319 City and State

Witnessed by: Mois E. Burniede 6-12-03

I am part of a local group of Pontiac residents called Citizens Against the We were represented by Carolyn Gerwin, Doris Burnside, Julie Landfill. Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th . 2003.

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Mary M. Johnson Signed Name

MARY M. JOHNSON Printed Name

20 GARDEN AV. APT. 4. Street

PONTIAC, 12 61764 City and State

Witnessed by: June M. June

I am part of a local group of Pontiac residents called Citizens Against the Landfill. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th . 2003.

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Margaret Steinbach Signed Name

STEINAL <u>MARGARET</u> Printed Name

20 farden av apt 6\_\_\_\_ Street

Portiae Illinois

Witnessed by: Jamise n. Jums

I am part of a local group of Pontiac residents called Citizens Against the Landfill. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th , 2003,

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Vage <u>Many</u> Z Signed Name

<u>MARY</u> Printed Name PAGE

- 77 Redwood Marior Pontiar &

City and Sto

Z Witnessed by:

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Aschie F.Burnsiele 6/26/03 Signed Name Date

F. BURNSIDE ARCHIÉ Printed Name

16327 E. - 2000 N. Street

Portiac ILL. City and state

Witnessed by: Moris Burniere 6-26-03

I am part of a local group of Livingston County residents called Citizens Against the Landfill. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th . 2003.

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, 200.3 vn Signed Name

Printed Name

1251 Street

61764 City and State

unside Witnessed by:

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Rash J. Akur 2 6-12-03 Signed Name

<u>Printed Name</u>

108 S MAL Street

<u>KCAMACAN</u> IL. City and State

Witnessed by: Aforis E. Bunxiche 6-12-03

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6-12-03 and Signed Name

acil Printed Name

<u>1739</u> Street 28 E

<u>(41</u>311 <u>fln ()ng</u> City and State

Witnessed by: Africa E. Burnance 6-12-03

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Sincerely.

<u>Alan W. Barling</u> 6/12/03 Signed Name <u>Alan W. Barling</u> Printed Name

<u>15799 E.</u> 2120 North Rd. Street <u>Pontiaz</u>, <u>Fl.</u> 61764 City and State

Witnessed by: April E- Burneile 6-12-03

I am part of a local group of Livingston County residents called Citizens Against the Landfill. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar.10th thru the 14th . 2003.

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andy Eale 6-12-03

Sandy Egle Printed Name

<u>105 E. Ririe PL.</u> Street

Flamgan, IL City and State

Witnessed by: Mais E. Burnicke 6-12.03

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Signed Name Date

<u>Ferene</u> <u>Burnside</u> Printed Name

<u>17705 E 1700N.Rd</u> Street <u>Pantrai</u>, <u>IL le 1264</u> City and State

Witnessed by: Bobby Susside 2-15-03

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<u>--je</u> Date ioned Name

enger Name

Street

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Signed Name Date

Jun Mussberger Printed Name

<u>301 W. Suff St.</u> Street

Ourget, Ll. City and State

Mossbaza 7/10/03 Date Witnessed by: Aue

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Ela Meice Signed Name

ERLA MEJER

1232 N. MILL Address

PONTIAC IC City and State

Frances Russow

I am part of a local group of residents in Livingston County, Illinois, called Citizens Against Landfill Expansion (a.k.a. CALE and Citizens Against the Landfill). We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen, and others at the siting hearing for the Livingston Landfill (Allied Waste/American Disposal) held March 10 - 14, 2003.

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Codher de

Signed Name

<u>Fsthertde</u> Printed Name

10798 E 160AN. Bd Address

Santize Int. 61764 City and State

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Jany Ruttow

LAFFY RMSSow Printed Name

16036E 2300N Address

PONTIAG IR City and State 61764 Frances Russow

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Joni Watson Signed Name

<u>Toni Watson</u> Printed Name

306 Carol Ct

Address

Pontiac IC City and State Frances Russow

Witness

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Signed Name Date Date

CONNE FOSTELC Printed Name

<u>113 E. LEE ST</u> Street

BONTIAC, JL 61764

City and State Witnessed by Phyllip Ryan 6/38/03 Date

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Rith A Filgeral 7/12/03 aned Name Date Signed Name

A. FITCGERALD

803 CHEROKEE LANE Street

PONTIAC, ILLINOIS 61764 City and State

Witnessed by: Thyllis Ryan 1/2/03

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7-11-03 Signed Name

FRANCES Printed Name

<u>IDII W. WASHINGTOD</u> Street <u>JONTIAC IL GIROF</u> City and State Witnessed by: <u>Parbara (Aristensen)</u> <u>7-11-03</u> Date Date

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Hurreet Jachran Signed Name 6-11-03

HARRIET J. COCHRAN Printed Name

<u>9 MANOR</u> Street

JHLINOIS -DALTACI City and State

Witnessed by: Betty Kendershaf

I am part of a local group of Pontiac residents called Citizens Against the Landfill. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th . 2003.

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fton G/12/03 Signed Name

Printed Name x ton

16 Manor Street

Pontiac City and State

Witnessed by: Betty Hendershut

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Sincerely,

6-24-03 Signe Name Date

ONIT CAR.

City and State

Witnessed by:\_\_\_\_\_ Date

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Norma Cillinger 6/13/03 Signed Name

inger <u>Norma</u> Printed Name

<u>4 Garnen</u> Street Ave

Dontiec, City and State

Witnessed by: Betty Hendershot

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<u>Call Ellinger</u> 6-13-03 Signed Name

Earl E. Ellinger Printed Name <u>4 Garden Ave</u> Street

PonTinc, JL 61764 City and State Witnessed by: Betty Hendersket

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Signed Name Thecheson

AUDREY RICHISON Printed Name

21 Aarden a Street

Contine 200 City and State

Setty Henduchot Witnessed by:

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M. A. Signed Name ming

Printed Name

<u>508 (</u> Street DINE 1ENS

TLC. City and State

Witnessed by: Betty Hundershit

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Sherley Magen 6/12/03 Signed Name

Shihley Morgan Printed Name

2 Manor Dr Street

Ponter Sl. City and State

Witnessed by: Betty Hendershit

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tennery Francis 6/12/03

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71 61462. n <u>na na seren</u> Na na n<u>a seren</u> City and State

Witnessed by: Kendershot

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Dorothy J. Jennings

Dorothy J. Jennings Printed Name

508 Westmin Drive

Pontiac, D. City and State

Witnessed by: Bitty Hendershit

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Betty Hendershit 6/10/03 Signed Name

BETTY HENDERSHOT

28 Garden av., Street

Pontrac, Sl. 61764 City and State

Witnessed by: Moins E. Burnside - 6-10-03

I am part of a local group of Livingston County residents called Citizens Against the Landfill. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th . 2003.

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tris & purnice 6- 13-03

Doris E. Burnside Printed Name

<u>Ile 327 E 3000 N Rd</u> Street <u>Pontese</u>, <u>CL - 61769</u> Citv and State

Witnessed by: Julie a Russout 6-13-03

I am part of a local group of Livingston County residents called Citizens Against the Landfill. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th . 2003.

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Sincerely,

(- 6-13-03

12191 E Street 2100NRC

Mhap -T 1.171.4 and State

Witnessed by: 17tic E. Burnside 6-13-03

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Sincerely,

Quilie A. Russow 6-13-03

Signed Name

Julie A. Russow Printed Name

23301 N 1040 E Rd.

Street

Cornell, Illinois City and State

Witnessed by: Noris E. Jamaide 6-13-03

I am part of a local group of Pontiac residents called Citizens Against the We were represented by Carolyn Gerwin, Doris Burnside, Julie Landfill. Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th . 2003.

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<u>Dorothy</u> <u>Sengpiel</u> 6-10-03 Signed Name <u>Dorothy</u> <u>Sengpiel</u> Printed Name

<u>29 Crystal Court</u> Street

Pontiac, IL. 61764

Witnessed by: Gour E. Gurneide

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<u>Frances Russow</u> Frances Russow

Printed Name

<u>23617 - 1500E</u> Address

Odell FL City and State

<u>Qulic Russow</u> 7-10-03 Witness

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Sincerely.

Signed Name Date

Name

386 3

UNGHY **City and State** 

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<u>7-11-</u>2003 Date Signed Name Printed Name W. Rd. Street **City and State** Witnessed b

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Signed Name Date

Waldschnidt Printed Name

900 North RI) Street

City and State

Witnessed by: Solly Surnicle Date

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Signed Name 7-16-03 Date

BOB BURNSID Printed Name

12705 F 1700 N Road Street

<u>fontiac</u>, <u>U</u> City and State

Aprile & Purneide 7-16-03 Date Witnessed by:

I am part of a local group of Livingston County residents called Citizens Against the Landfill Expansion. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th . 2003.

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leftermich 7-15-03 Date Signed Name

Tami Waldschmit Printed Name

<u>9814 E. 1900 y</u> Street

6176 City and State

Witnessed by: Coffy Surnsich\_\_\_\_ <u>7-15-03</u> Date

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-12-03 aned Nar Date

Street

**City and State** 

Witnessed by Date

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<u>Signed Name</u> A lackson 06-28-03 Date

JACKSON THERESA Printed Name

624 W. NORTH

PONTEAC, City and State

Witnessed by:

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100 201 Date Signed Name

a 54 Printed Name

322 Street

ontiac **City and State** 

13 Witnessed b

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Harry O. Frihred 6-27-03 Signed Name Date

HARCIO LACKNER Printed Name

340 W. GOODFARM R.B.

Dwight, ILC.

Witnessed by: Thomas A cluer 6-27-03 Date

I am part of a local group of Livingston County residents called Citizens Against the Landfill Expansion. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th . 2003.

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Sincerely.

I habel Margal 6/15/03 Signed Name

JISAGEL GONTALCT

215 W Maron Street

Duight IL 60H20 City and State

Witnessed by: Barbara Christensen 6-15-03 Date

I am part of a local group of Livingston County residents called Citizens Against the Landfill Expansion. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar.10th thru the 14th . 2003.

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<u>6-18-03</u> Date ) les

Karen Wiley Printed Name

213 E. North St Box 236 Street

Forrest 1657-7057 City and State

Witnessed by: Barbara Christensen 6-18-03 Date

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6/30 Date Signed Name Sali Printed Name ん 107 E Wa Street Wight II 60420 nd state 584-1805 City and State 6-Witnessed by:\_\_\_ 0 3

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Starke Hreges 5R 6-27-03 Signed Name Date

<u>THCK</u> <u>GREGORS1</u> Printed Name

<u>The E Amilton</u> Street <u>Ole ILL 60440</u> City and State 998-2036

Witnessed by: Thomas & los 6-27-03 Date

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Keschwand 7-90-03 Date 

Phyllis Geschwind

<u>28640 N 2800 E</u> Street

Durght 10. 604-20 City and State 584-3296

Witnessed by - Lemmed 7/9/03 Date

I am part of a local group of residents in Livingston County, Illinois, called Citizens Against Landfill Expansion (a.k.a. CALE and Citizens Against the Landfill). We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen, and others at the siting hearing for the Livingston Landfill (Allied Waste/American Disposal) held March 10 - 14, 2003.

We are appealing the approval by the Livingston County Board for the expansion of the landfill.

oore 1 Signed Name

Printed Name

ASTON

Address

City and State

6-19-03

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Mare Moore

Signed Name

<u>Darleme</u> Moore Printed Name

22832N 1300 East Rd Address

Pontiac, IL, 61764 City and State

Julie Russow 6-19-03 Witness

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Sincerely.

Mildud Girand Signed Name

MilDRED GIRARD Printed Name

<u>204 Park Street</u> Address <u>Carell Illinois 61319</u> City and State

Julie Q. Russow 6-20-03 Witness

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en Manson 7-10-03 Name Date Signed Name

<u>JEAN</u> Printed Name MANSOUR

406 E. Washington St. Street Vontian IL 61764 City and State

Witnessed by: Barbara Christensen 7-10-03

I am part of a local group of Livingston County residents called Citizens Against the Landfill Expansion. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar. 10th thru the 14th . 2003.

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Hanne 6-27-03 Date Signed Name

Dolores S, Hanner Printed Name

215 E. North St. Street

Street <u>Dwight</u>, <u>TL</u>, 60420-1051 City and state 584-1310 Witnessed by: <u>Thomas Julie</u>, 6-27-03 Date

I am part of a local group of Livingston County residents called Citizens Against the Landfill Expansion. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar.10th thru the 14th . 2003.

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<u>06/30/03</u> Signed Name Date

GIENN n **Printed Name** 

<u>34</u> Street HICAGO S

**Čity and State** 

Witnessed by: thomas feelue 03 Date

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 $\frac{e}{Date}$ Signed Name

RIEE Printed Name

208W Street 50 U

11L -2657 City and State 584

horas Witnessed by:

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61403 Signed Napre OM/ UU Printed Name Switt Street EMINGTON 12 60934 City and State 934-5681 Witnessed by: Barbara Christensen 6-14-03

I am part of a local group of Livingston County residents called Citizens Against the Landfill Expansion. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar.10th thru the 14th . 2003.

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27-3 Signed Name lame 220 Street City and State

Witnessed by: Thomas A cluby 6-27-03 Date

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Jargeo <u>–\_/0-03</u> Date Signed Mame

Terry S Printed Mame

N.Rd 12378 Street 1200

<u>fontiac</u> City and State

Witnessed by: Darbara Christensen 7-10-03 Date

To Whom It May Concern:

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Sincerely,

MASU Signed Name

JERRY 5 MOORE

Printed Name

222.00 N 975 E RD

Address

.

Initiar VI City and State

Julie Russow 6-19-03 Witness

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melles Signed Name

<u>Gayle</u> Miller Printed Name

12015.01d Airpert Rd 43 Street

Pontiac, ILL 61769 City and State

Witnessed by: Jennie In Jume

I am part of a local group of Pontiac residents called Citizens Against the Landfill. We were represented by Carolyn Gerwin, Doris Burnside, Julie Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar.10th thru the 14th . 2003.

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Richard a Miller Signed Name

A MILLER RicHARd Printed Name

1201 SOUTH OLD AIR PORT ML13 Street

<u>PantiAC II</u> City and State \_\_\_\_

Witnessed by: June h. June

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More a <u>G/12/03</u> Signed Name

Printed Name

<u>Z</u> Street

City and State

Witnessed by: Betty Hendershot

I am part of a local group of Pontiac residents called Citizens Against the We were represented by Carolyn Gerwin, Doris Burnside, Julie Landfill. Russow, Barb Christensen and others at the siting hearing for the Livingston Landfill held Mar.10th thru the 14th . 2003.

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Signed Name

Faue Exton Printed Name <u>16 Manor</u> Street Jr.

Pontiac, IL. 61764 City and State Witnessed by: Bothy Hendersbot

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Sincerely,

6-242003

Signed Name

Date

Jame

ORTH

City and State

Witnessed by:\_\_\_

Date

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<u>1/14/03</u> Date Signed Name

<u>GUEZ</u> 215 E. Street

64 ONTIA City and State

7/14/03 Witnessed b

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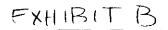
M. Jean Mane 6-10-03 Signed Name

ean Shane

<u>5 MANOR</u> Street DRIVE

Pontiac, II. 61764 City and state

Witnessed by: Aforen &. Surmeide 6-10-03



#### AFFIDAVIT

State of Illinois)) SS.County of Livingston)

I, Julie Russow, having been duly sworn on oath, depose and state as follows:

1. I live in Cornell, Illinois. My family owns farmland adjacent to the proposed expansion. I am a member of CALE. I attended virtually all of the afternoon and evening siting hearings regarding the proposed expansion of Livingston Landfill, which were held March 10-14, 2003. I made a public comment and submitted written public comment as well.

2. Newspaper reports have referred to CALE and identified Ms. Gerwin and myself by name. An example of one such newspaper article is attached hereto as Attachment 1.

3. In my opinion, the existence of CALE and its leadership were well-known to Applicant before, during and after the hearings.

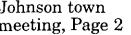
Julie a Russow

Subscribed and sworn to before me this 17<sup>th</sup> day of July, 2003

edied Dirard

Notary Public

FFICIAL SEAL MALORED GIRARD ALIBUC STATE OF ILLINOIS COMPLETION EXPIRES: 11/08/04



Chicken Soup column, Page 4

 $[\mathbf{Y}]$ 

Rain Gauge, Page 6

Livingston County's Home Newspaper since 1880

FADE

Pontiac, Ill.

0 cents

August 28, 2

LANDFILL OPPOSITION MEETING ANDFILL TONIGHT 6:30 PM MEETING OCITY HALLWIGHT 6:30

Erica Gerwin, left, and her sister, Grace, held signs Tuesday night along Höward Street alerting passersby to the landfill anti-expansion meeting held a short time later at City Hall. The meeting was called by Citizens Against Landfill Expansion.

# Group meets to discuss opposition to landfill expansion

#### **3v Sheila Shelton** Staff Reporter

Citizens Against Landfill Expansion (CALE) ield a meeting at the Pontiac City Hall on Tueslay night to discuss their plans for preventing he proposed expansion of the Pontiac landfill car Rowe.

The Livingston County board has set Sept. 23 or the beginning of hearings on the proposed xpansion.

Carolyn Gerwin of Pontiac, who is a pokesperson for CALE, spoke at length at

uesday's meeting. She said most of the 65 persons attending the secting were there because most of them

prose the landfill as an "institutual thing." "We have gathered some info to put meat on he bones of this issue and we are here tonight present this information," she said. "There are currently over 500 acres involved the landfill and, if the expansion is approved,

this will increase it to over 700 acres in size. It is now the fourth largest landfill in the United States and we will probably someday be the largest landfill in the United States if this is not

largest landfill in the United States if this is not stopped now," said Gerwin. She said the new expansion would put the landfill site at 60 vertical feet. "The proposed Kankakee County landfill would be 300 feet in height," she said. "So many people affected by this landfill have not been heard from by our local government. There are 600 semis, six days a week, that use this facility. These trucks get untarned and go this facility. These trucks get untarped and go under a video camera that checks their loads. This county does not check to see what goes into this landfill," said Gerwin.

"Our host county fee (agreement) could be retired but that is really a whole other issue. More landfill here means more risk," she said Please see 'CALE' Page 5 Full allied support is welcome, no necessary

WASHINGTON (AP) --- The Bush administration is casting Iraqi President Saddam Hussein as a menace who cannot be appeased and suggesting that it may not wait for full allied support before launching an attack.

"It's less important to have unanimity than it is making the right decision and doing the right thing, even though at the outset it may seem lonesome, Defense Secretary Donald H. Rumsfeld said Tuesday.

After President Bush met at his ranch in Crawford, Texas, his ranch in Crawtord, texas, with Saudi Arabia's Prince Ban-dar bin Sultan, White House spokesman Ari Fleischer said Bush told the Saudi ambassador he had not yet decided whether to attack.

"The president made very clear again that he believes that Saddam Hussein is a menace to world peace, a menace to regional peace," Fleischer said. The Saudis strongly oppose U.S.

The Saudis strongly oppose U.S. military action. In a lively exchange with Marines at Camp Pendleton, Calif., Rumsfeld predicted that most U.S. friends and allies would support American U.S. military action against Iraq if that is what Bush decides is required to deal with the threat required to deal with the threat of being attacked with weapons of mass destruction. So far no allies have voiced firm support. Many have raised great doubts or outright opposition.

or outright opposition. "Leadership in the right direction finds followers and supporters," Rumsfeld told members of the 1st Marine Division, who peppered the defense secretary with numer-ous questions about was equinet ous questions about war against

Iraq. When a Marine asked whether Rumsfeld thought victory in Iraq would take long to

achieve, he refused to directly. "The frenzy on t ject, it seems to me, is : ful," he said. On a day when Bush a tration officials told frie ellies ensued the world

allies around the world rushing to war against In key Arab allies - Egy Saudi Arabia — voice objections to U.S. r action against Iraq. In matic offensive, Iraq s officials to China and § press its case. Bush has not decided

try to remove the S regime, "and therefore th no war drums to beat Department spol Richard Boucher told re Tuesday.

In Iraq, U.S. fight attacked an air defens mand facility Tuesday n military radar site ne northern city of Mukhay military radar site ne northern city of Mosul. cases, U.S. officials sa U.S. planes were respon Iraqi provocations whi patrolled flight-inter zones in effect since the Gulf War.

In his remarks at Pendleton, Rumsfeld s more than once that Bu yet to make a decisior Iraq. He said America allies need to think c about 21st century s threats, especially the dictability of terrorists session of weapons o

destruction. "We do need to tak time and think these through and consider th said.

Egyptian President Mubarak, a major U.S. Please see 'S

Wedne

PTHS golfers wi

Page 7

#### **Daily Leader** Wednesday, August 28, 2002

## LOCAL/STATE

## Chicago comic canceled because of nationality

CHICAGO (AP) - A doesn't even know him," comedian But members of scheduled to open for Chicago's Arab-Americomic Jackie Mason was can community did take told hours before the it personally, As the one-year

"I'm outraged," Alara-

Rosenfeld cited recent

"Don't turn this into a

Hanania said he has

ed performing after

Sept. 11 in an effort to

try to lighten the situa-

tion and bring people

ager Linda Moses said

Hanania's inexperience

contributed to the can-

cellation. She said Hana-

nia was replaced by a

comic who has opened

Zanie's General Man-

together, he said.

show he couldn't perform because he is of anniversary of the Sept. Palestinian descent, 11 terrorist attacks Mason's manager said. approaches, Americans Ray Hanania, a 49- should be doing more to year-old fledgling comic, unite, said Ali Alarabi, was supposed to open for president of the United Mason's Tuesday night Arab American League. show at Zanie's comedy club in Chicago. Instead, bi said. "It is an act of the club phoned him a hate and racism against few hours before to tell Palestinians, and we him his act was can- demand an apology." celed.

Chicago

"It's not exactly like Israeli-Palestinian viohe's just an Arab-Amerilence and delayed peace can. This guy's a Palestalks in explaining tinian. We were not told Mason's decision. about it ahead of time, said Jyll Rosenfeld, racist issue, because it's Mason's manager, "Jacknot." Rosenfeld said. "We ie does not feel comfortjust felt this is not a good able having a Palestinidea at this time." ian open for him. Right now it's a very sensitive been a comedian for less than a year and has thing, it's just not a good about 20 performances idea." under his belt. He start-

Mason, who has appeared on Broadway and in films such as "Caddyshack II" and "The Jerk," has been an outspoken member of the Jewish community. He supports Israel and has received at least one award from the Israeli government.

"Nothing personal against this fellow." Rosenfeld said. "Jackie for Mason in the past.

### CALE (From Page 1)

She said she had learned from EPA information submitted to the federal register that all landfill liners will eventually fail.

"It is kind of murky future. what happens 25 years after a landfill is closed. The city of Pontiac's water reservoir is close by and the Vermilion River is nearby," said Gerwin.

She said this landfill started as 18 acres, which was and is not lined, and with the expansion, will be 40 times as large.

"We need an end plan for this landfill. It will never be easier to stop than now. We are not making that much money at \$1.50 a ton for debris. Every time the landfill wants an expansion the county board members say to the landfill OK, we will take one more bite." said Gerwin.

"If the landfill is our signature development how will we ever get anything else in this community. Non-waste-based developments attract more growth. People coming down I-55 see the landfill first and it injures our community image," said Gerwin.

She said that Pontiac could really see big growth.

"Look at Bloomington. We could have that - or are we going to continue building a wasteland? It is time to stop now." she said.

Julie Russow of CALE told those in attendance

that a large group of so that they may be put on CALE supporters are the agenda to testify at needed to participate in the Sept. 23 hearing. Sunday's Threshermen's She advised those in Parade. attendance to have their

Gerwin added that she hopes to also see a lot of young people participating in the parade because CALE is working for their

"We also need to hand out sheets to parade viewers listing what board members voted in what way on the Solid Waste Plan Amendment (regarding the landfill in June). There were 11 members plus one abstainer who tried to stop this proposed expansion by voting against the amendment,

said Gerwin. lows: · The waste needs of She also asked people to fill out registration forms the area to be served.

• That the public health, safety and welfare of the area is protected.

• Traffic patterns in агеа. Minimization of

incompatibility with the surrounding area. • The flood plain and

any flooding in the area. Safety plan.

how this well testing Hazardous waste ----Gerwin said this is not She also asked people to applicable.

take pictures of any flood- The solid waste dising in the area to the posal plan which Gerwin classified as "the county's hearings so that they might be presented as evigolden plan."

 A regulated re-charge area - Gerwin said she didn't know what this term meant.

 Past record of convictions.



homes' wells tested if they

have any concerns. She

advised that the Liv-

ingston County Health

Department should be

contacted to determine

Gerwin outlined the cri-

teria to be covered at the

The criteria are as fol-

should be done.

dence.

hearing.

John Faddoul/Daily Leader

Trucks dump garbage this morning at the Livingston Landfill's current usage site alongside Illinois Route 23 north of Pontiac.



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7/10/0 3 Date

20

City and State

. Sumi 03 Witnessed Date

- 8. A transcript shall be kept of all proceedings before the Agricultural Committee.
- 9. The applicant for site location approval shall have the burden of proof and the burden of going forward first with evidence. The testimonial evidence introduced by the applicant may not exceed the scope of the application. Such oral testimony may only explain and clarify the application.
- 10. The County and the applicant shall submit all copies of evidence, other than testimony, and information and exhibits already contained in the siting application, and a list of potential witnesses to the County Clerk at least ten days before the date of the first public hearing.
- 11. All members of the public who desire to be participants in the hearing must submit written notification, along with copies of evidence, other than testimony, and a list of potential witnesses, to the County Clerk ten days before the first day of the public hearing. Any person so appearing at such public hearing shall have the right to present testimony and witnesses. Any such person shall have the right to be represented by an attorney at said public hearing. Opportunity for any persons appearing at said public hearing to cross-examine any witness may be reasonably limited in time and duration by the hearing officer, to assure completion of the hearings in accordance with deadlines in the Illinois Environmental Protection Act. The hearing officer may propound questions to any witness or to the applicant to clarify the record established by the participants at the hearing or to bring out relevant information. The County shall be deemed a participant and a party to all proceedings and shall proceed last with its case and cross-examination.
- 12. The applicant and the counsel for the Agricultural Committee and the Livingston County Board shall be allowed to cross-examine witnesses by right, subject to such reasonable limitation as may be set by the hearing officer. Parties represented by attorneys may be allowed to cross-examine in the discretion of the hearing officer. Other persons shall be allowed to submit questions to the hearing officer, who shall exercise discretion in the manner in which such questions are to be posed to witnesses. Sufficient examination of witnesses is to be allowed so as to provide for fundamental fairness. All witnesses shall be subject to reasonable examination as follows: direct, cross-examination, redirect, recross.
- 13. The hearing officer may permit the County, the applicant and any party to file proposed findings of fact and conclusions of law. The hearing officer may draft his or her own findings of fact and conclusions of law and submit them, and copies of such other proposed findings of fact and conclusions of law as may have been filed, to the Agricultural Committee.
- 14. The Agricultural Committee shall consider the record of the public hearing, reports submitted by the Administrator of the Department of Zoning, and the findings of fact

\_.\_\_

70

1	operations manager who has been there for a
2	few years now. Dave's been there obviously a
3	long time, and we've got a program in place
4	that minimizes litter problems and the daily
5	cover problem.
6	Okay. The last question is: What
7	is the ultimate end use of the facility going
8	to be? And really the subject of end use was
9	a subject that kind of got some additional
10	attention between the time we had to pull the
11	application and refiled. We met with a group
12	of citizens that had concerns about the
13	facility. One of their proposals to us was
14	that we move to another location in the
15	county. We really can't do that. It really
16	didn't make sense for us to do that in this
17	particular instance.
18	But one idea that they were focused
19	on and they gave us some suggestions on was
20	related to final end use. And just real

- 21 briefly, the word end use just means what are
- 22 you going to do with this landfill when it's
- 23 closed and you are all done. And really in
- 24 terms of that particular topic, we really

DEFORE THE ILLINOIS POLLUTION CONTROL BOARD
--

RECEIVED CLERK'S OFFICE

JUL 1 8 2003

STATE OF ILLINOIS Pollution Control Board

Citizens Against Landfill Expansion,	)
Petitioners	)
V.	)
American Disposal Services of Illinois, Inc.	ý
Respondent,	)
and	)
Livingston County Board, Livingston County,	ý
Illinois, Respondent	)

No. PCB 03-236

### MOTION FOR LEAVE TO AMEND PETITION FOR REVIEW

Citizens Against Landfill Expansion, an unincorporated association of residents of Livingston County (hereinafter "CALE"), has petitioned for review of local siting of a 50 million cubic yard expansion of the Livingston Landfill in Pontiac, Illinois. In the event the Illinois Pollution Control Board (hereinafter, the "Board") is disposed to grant American Disposal Services of Illinois, Inc.'s ("Applicant's") Motion to Dismiss, pursuant to which Applicant claims CALE did not participate in the siting hearing, and if individual citizens may claim exemption from the fee for certification of the record below pursuant to Section 39.2(n), CALE hereby requests leave to amend its Petition to name individual members of CALE as additional Petitioners. Specifically, Petitioner requests leave to amend the Petition to include Doris Burnside of rural Pontiac, Illinois; Julie Russow of Cornell, Illinois, and Barbara Christensen of Dwight, Illinois, as additional Petitioners (hereinafter collectively referred to as "CALE Representatives"). As detailed in Petitioner's Memorandum in Opposition to Applicant's Motion to Dismiss, which is being filed simultaneously, said CALE representatives participated in the local siting hearing held pursuant to Section 39.2. Such amendment would defeat Applicant's attempt to avoid substantive review of the siting decision on arguments related to standing. Such joinder of parties is expressly permitted under the Board's regulations, which provide:

The Board will not dismiss an adjudicatory proceeding for nonjoinder of persons who must be added to allow the Board to decide an action on the merits without first providing a reasonable opportunity to add the persons as parties. As justice may require, the Board may add new parties ... at any stage of an adjudicatory proceeding.

EXHIBITC

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We are appealing the approval by the Livingston County Board for the expansion of the landfill.

Sincerely,

7/10/0 3 Date > Signed Name

<u>1220</u> Street 0.

City and State

2. Surnide Witnessed by: 03 Date

al

- 8. A transcript shall be kept of all proceedings before the Agricultural Committee.
- 9. The applicant for site location approval shall have the burden of proof and the burden of going forward first with evidence. The testimonial evidence introduced by the applicant may not exceed the scope of the application. Such oral testimony may only explain and clarify the application.
- 10. The County and the applicant shall submit all copies of evidence, other than testimony, and information and exhibits already contained in the siting application, and a list of potential witnesses to the County Clerk at least ten days before the date of the first public hearing.
- 11. All members of the public who desire to be participants in the hearing must submit written notification, along with copies of evidence, other than testimony, and a list of potential witnesses, to the County Clerk ten days before the first day of the public hearing. Any person so appearing at such public hearing shall have the right to present testimony and witnesses. Any such person shall have the right to be represented by an attorney at said public hearing. Opportunity for any persons appearing at said public hearing to cross-examine any witness may be reasonably limited in time and duration by the hearing officer, to assure completion of the hearings in accordance with deadlines in the Illinois Environmental Protection Act. The hearing officer may propound questions to any witness or to the applicant to clarify the record established by the participants at the hearing or to bring out relevant information. The County shall be deemed a participant and a party to all proceedings and shall proceed last with its case and cross-examination.
- 12. The applicant and the counsel for the Agricultural Committee and the Livingston County Board shall be allowed to cross-examine witnesses by right, subject to such reasonable limitation as may be set by the hearing officer. Parties represented by attorneys may be allowed to cross-examine in the discretion of the hearing officer. Other persons shall be allowed to submit questions to the hearing officer, who shall exercise discretion in the manner in which such questions are to be posed to witnesses. Sufficient examination of witnesses is to be allowed so as to provide for fundamental fairness. All witnesses shall be subject to reasonable examination as follows: direct, cross-examination, redirect, recross.
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EXHIBIT F

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14	that we move to another location in the
15	county. We really can't do that. It really
16	didn't make sense for us to do that in this
17	particular instance.
18	But one idea that they were focused
19	on and they gave us some suggestions on was
20	related to final end use. And just real

- 21 briefly, the word end use just means what are
- 22 you going to do with this landfill when it's
- 23 closed and you are all done. And really in
- 24 terms of that particular topic, we really

1	MS. GERWIN: I believe that when the
2	testimony is rendered, that it will be very
3	clear that she is going to discuss the
4	quality of the analysis with regard to the
5	specific issues that she addresses. And
6	again, as I suppose if the Applicant wants to
7	do cross-examination, et cetera, they can do
8	that. We've agreed we've stated it was a
9	by necessity limited review.
10	She's providing services not to the
11	governmental body but to our citizens group
12	which has very, very limited resources and
13	did not have a copy of the application, so we
14	could not give her an entire copy of the
15	application. We did receive that copy
16	approximately two weeks ago when it was far,
17	far too late for her to do any sort of
18	extensive review. And to get a copy of the
19	entire application was would have
20	prevented us from having any funds to pay for

- 21 her to actually look at it.
- 22 So given all those issues, I think
- 23 that her testimony will be limited to what
- she was able to look at and to the issues

#### **CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing Memorandum in Opposition to Applicant's Motion to Dismiss as follows:

On July 17, 2003, I mailed one original and 9 copies thereof to the Illinois Pollution Control Board, by U.S. Mail, postage prepaid, to:

Pollution Control Board Attn: Clerk 100 West Randolph Street James R. Thompson Center, Suite 11-500 Chicago, Illinois 60601-3218

On July 17, 2003, I sent a true and correct copy thereof by U.S. Mail, postage prepaid, to:

Douglas E. Lee Ehrmann, Gehlbach, Badger & Lee 215 E. First Street, Suite 100 P.O. Box 447 Dixon, Illinois 61021

C. Thomas Blakeman Strong, Blakeman & Schrock 307 West Washington Street Pontiac, Illinois 61764

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

Larry M. Clark Suite 200 700 North Lake Street Mundelein IL 60060

<b>BEFORE THE ILLINOIS</b> <b>POLIUTION CONTROL BOAR</b>
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JUL 1 8 2003

STATE OF ILLINOIS Pollution Control Board

Citizens Against Landfill Expansion, Petitioners

V.

American Disposal Services of Illinois, Inc. Respondent,

and

Livingston County Board, Livingston County, Illinois, Respondent No. PCB 03-236

#### **MOTION FOR LEAVE TO AMEND PETITION FOR REVIEW**

Citizens Against Landfill Expansion, an unincorporated association of residents of Livingston County (hereinafter "CALE"), has petitioned for review of local siting of a 50 million cubic yard expansion of the Livingston Landfill in Pontiac, Illinois. In the event the Illinois Pollution Control Board (hereinafter, the "Board") is disposed to grant American Disposal Services of Illinois, Inc.'s ("Applicant's") Motion to Dismiss, pursuant to which Applicant claims CALE did not participate in the siting hearing, and if individual citizens may claim exemption from the fee for certification of the record below pursuant to Section 39.2(n), CALE hereby requests leave to amend its Petition to name individual members of CALE as additional Petitioners. Specifically, Petitioner requests leave to amend the Petition to include Doris Burnside of rural Pontiac, Illinois; Julie Russow of Cornell, Illinois, and Barbara Christensen of Dwight, Illinois, as additional Petitioners (hereinafter collectively referred to as "CALE Representatives"). As detailed in Petitioner's Memorandum in Opposition to Applicant's Motion to Dismiss, which is being filed simultaneously, said CALE representatives participated in the local siting hearing held pursuant to Section 39.2. Such amendment would defeat Applicant's attempt to avoid substantive review of the siting decision on arguments related to standing. Such joinder of parties is expressly permitted under the Board's regulations, which provide:

The Board will not dismiss an adjudicatory proceeding for nonjoinder of persons who must be added to allow the Board to decide an action on the merits without first providing a reasonable opportunity to add the persons as parties. As justice may require, the Board may add new parties . . . at any stage of an adjudicatory proceeding.

35 IAC Sec. 101.403 (b). This is an adjudicatory proceeding as defined in 35 IAC 101.202. Thus, if the Board finds that, despite extensive participation in the local siting process by CALE through its members and counsel, CALE does not have standing to maintain an appeal thereof, leave to so amend the Petition to add the aforementioned individuals as Petitioners should be granted.

Respectfully submitted,

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Carolyn K. Gerwin, Attorney at Law Counsel for Citizens Against Landfill Expansion

Carolyn K. Gerwin Attorney at Law 705 South Locust Street Pontiac, Illinois 61764 (815) 842-2486

#### **CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing Motion for Leave to Amend Petition for Review as follows:

On July 17, 2003, I mailed one original and 9 copies thereof to the Illinois Pollution Control Board, by U.S. Mail, return receipt requested and postage prepaid, to:

#### **Illinois Pollution Control Board:**

Pollution Control Board Attn: Clerk 100 West Randolph Street James R. Thompson Center, Suite 11-500 Chicago, Illinois 60601-3218

On July 17, 2003, I sent a true and correct copy thereof by U.S. Mail to:

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C. Thomas Blakeman Strong, Blakeman & Schrock 307 West Washington Street Pontiac, Illinois 61764

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July 17, 2003

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STATE OF ILLINOIS Pollution Control Board

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#### Re: CALE v. American Disposal Services, No. PCB 03-236

#### Gentlemen:

I regret that it appears necessary that I formally request that you advise and instruct your clients, their employees and agents not to destroy, intentionally misplace or remove any documents pertinent to this matter, including but not limited to official or unofficial signout sheets for review of the application and public comments, any personal or official correspondence or notes of any person (including emails and handwritten notes), photographs, phone call logs or phone messages, and any and all other potentially discoverable documents, papers, recordings, materials or information that may relate to any aspect of this matter, directly or indirectly, including but not limited to the siting application, the hearings, any meetings or correspondence between or among American Disposal and the county's review team, the county's budget, etc. If your clients are not aware that such destruction or removal of documents would raise issues of obstruction of

justice, for which there are potentially serious penalties, please advise them accordingly. Thank you.

Carolyn K Gerwin Counsel for Petitioner

Judith McGlasson, Livingston County Clerk Cc:

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