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JUL 23 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS, INC.)
)
Petitioner,)
) No. PCB 04-186
) (Pollution Control Facility
) Siting Appeal)
)
vs.)
)
COUNTY OF KANKAKEE COUNTY, ILLINOIS)
)
Respondent,)
)
)

**KEITH RUNYON'S MOTION TO INTERVENE, AND IN THE ALTERNATIVE,
MOTION FOR LEAVE TO FILE AN AMICUS CURIAE BRIEF**

Now comes Keith Runyon (Runyon), representing himself, pursuant to Illinois Pollution Control Board (Board) Rule 101.402, 35 Ill Adm. Code Section 102.402, requests this Board's leave to intervene in the above captioned matter. In the alternative, without waiving and expressly reserving all rights (including rights to appeal) concerning Runyon's motion to intervene, should such motion be denied, Runyon seeks leave to file an amicus curiae brief pursuant to section 1010.110©, and in accordance with Section 101.628© of the General Rules of the Board. In support of this motion, Runyon states as follows:

1. Waste Management of Illinois, Inc. (WMII) filed a site application to expand the Kankakee County Landfill on Aug. 16, 2002 (Application 1). After siting proceedings were held, the County Board of the County of Kankakee, Illinois (Kankakee) approved Application 1. However, on appeal to the Illinois Pollution Control Board (Board), that approval was vacated, as WWII failed to provide proper pre-filing notice.
2. WMII filed a second application to expand Kankakee County Landfill on September 26, 2003 and on March 17, 2004, Kankakee County denied that application. WMII now seeks review of Kankakee County's denial of Application II in this Pollution Control Facility Siting...../

3. Runyon seeks leave to intervene in the Pollution Control Facility Siting Appeal, in defense of the public's interest.
4. Movant Runyon participated in both I and II application hearings as an objector and represents the majority view of the county community which opposes the siting of the proposed facility.
5. County's Attorney, in his objection to Mike Watson's Motion to Intervene,, states the following, "The PCB has determined that only an individual protecting the public interest is allowed to intervene when the PCB is reviewing a local government's decision to deny site approval". (Par 23)
6. Movant Runyon is the Executive Director of OUTRAGE, a county of Kankakee government accountability organization which has broad based community support. OUTRAGE was incorporated in 1996 as an Illinois Not-for-Profit organization and has been active on a multi-level, multiple issue campaign to make government more cost effective and more responsive to the wishes of the community.
7. Empirical events have demonstrated how accurately OUTRAGE positions are reflective of community sentiment. Outrage has openly opposed seven public tax referenda issues all of which were voted down by margins of 72% to 29% and 66% to 33%.
8. Movant Runyon's position on the landfill issue is truly representative of the Community's desire and interest in this matter and is a party who is in support of the County Board's majority decision and the public's desire to deny siting
9. Runyon argued a case on criteria eight in both landfill siting hearings, based upon applicant's failure to present an application consistent with the County's Solid Waste Management Plan. Presumably, the County will not advance this case in the appeal hearing before the Pollution Control Board. Applicant failed to meet the conditions of the County's Solid Waste Management plan which mandates that the public be involved in any landfill consideration from the beginning of the process , including site selection. The applicant failed to comply with this key element of the County's Solid Waste Management Plan.

WHEREFORE, KEITH RUNYON respectfully prays that the Illinois Pollution Control Board grants his Motion to Intervene, or in the alternative, grants permission to Runyon to file an *Amicus Curiae* brief in this matter.

Dated: July 21, 2004

Respectfully Submitted,

KEITH RUNYON

By: 
Keith Runyon

Keith Runyon

A Kankakee County Resident
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WASTE MANAGEMENT OF ILLINOIS, INC.)

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NOTICE OF FILING

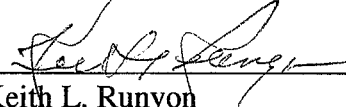
TO: All Attorneys and Parties of Record

PLEASE TAKE NOTICE THAT on July,21, 2004, Keith L. Runyon filed with the Illinois Pollution Control Board, Chicago, Illinois, the attached Motion to Intervene and Motion for Leave to File an *Amicus Curiae* Brief, a copy of which is herewith served upon you.

DATED, July 27, 04

KEITH L. RUNYON, A PARTY IN THIS MATTER.

BY: KEITH L. RUNYON



Keith L. Runyon

KEITH L. RUNYON
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PROOF OF SERVICE

Keith L. Runyon, a non attorney, on oath, certifies that he served the foregoing Notice of Filing, and document set forth herein, on the attorneys and participants named on the attached service list via U.S. Mail at the Bourbonnais Post Office, Bourbonnais, Il. this 21st.day of July. 2004, before 5:00 p.m.

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