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JAN 28 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|-------------------------------|---|------------------|
| SALINE COUNTY LANDFILL, INC., |) | |
| |) | |
| PETITIONER, |) | |
| |) | |
| v. |) | No. PCB 2004-117 |
| |) | (PERMIT APPEAL) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| RESPONDENT. |) | |

COUNTY OF SALINE'S MOTION TO INTERVENE

NOW COMES the COUNTY OF SALINE, a County of the State of Illinois, through its State's Attorney, and pursuant to Rule 101.402 of this Board's procedural rules, 35 Ill. Adm. Code Section 101.402, requests this Board's leave to intervene in this matter on behalf of the position being defended by Respondent, Illinois Environmental Protection Agency (hereinafter "IEPA"). In support of this motion, the County of Saline states as follows:

1. This case is a permit appeal, in which the Saline County Landfill, Inc. (hereinafter "Landfill") (which is not in any way affiliated with any official body of Saline County) is seeking review of a denial by the IEPA of the Landfill's request for issuance of a landfill development permit. The landfill airspace to be permitted was subject to siting proceedings that were held before the Saline County Board during 1996, and the identified basis for the IEPA's denial is that the Landfill's permit request was made too long after the siting approval granted by the Saline County Board, and therefore that the siting approval had expired.

2. The undersigned State's Attorney for the County of Saline, a constitutional officer, is the chief legal officer for Saline County, and possesses both the duty and the authority to represent the interests of the people of Saline County to ensure a healthful environment within Saline County. The State's Attorney is a state official representing the public interest of Saline

County, and in particular the interest of Saline County in assuring that siting approvals and authorizations are complied with, and that the laws of the State of Illinois are complied with by those wishing to do business within Saline County. Saline County was a party to the siting proceedings, and also participated in the permitting process before the IEPA.

3. This intervention is sought by Saline County through its State's Attorney, because of Saline County's and the State's Attorney's interest in protecting the health and environment within which the people of Saline County must live and work. Further, the citizens of Saline County may be materially prejudiced absent the County's intervention. See 35 Ill. Adm. Code 101.402(d)(2).

4. This intervention is authorized by, and is consistent with, precedent of the Illinois Supreme Court, the Illinois Appellate Court, and this Board. See Pioneer Processing, Inc. v. Environmental Protection Agency, 102 Ill. 2d 119, 464 N.E.2d 238 (1984); Land & Lakes Co. v. Village of Romeoville, 245 Ill. App. 3d 631, 616 N.E.2d 349 (3d Dist. 1993); Land & Lakes Co. v. Village of Romeoville, PCB 91-7 (Feb. 7, 1991); Land & Lakes Co. v. Village of Romeoville, PCB 94-195 (Sept. 1, 1994); Saline County Landfill, Inc. v. Illinois Environmental Protection Agency, PCB 02-108 (April 18, 2002).

5. Saline County, through the undersigned State's Attorney of Saline County, requests this Board's leave to intervene in this matter and to participate fully as a party in support of the position of Respondent IEPA, for having rejected the permit request made by the Landfill which was not in conformity with the requirements of the Illinois Environmental Protection Act.

WHEREFORE, proposed intervenor, SALINE COUNTY, through the Saline County State's Attorney, requests this Board's leave to intervene in this matter as a party, and thereby to

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PETITIONER,)
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v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
RESPONDENT.)

No. PCB 2004-117
(PERMIT APPEAL)

NOTICE OF FILING AND PROOF OF SERVICE

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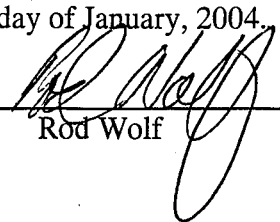
Carol Sudman
Hearing Officer
Illinois Pollution Control Board
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Springfield, IL 62704

Pollution Control Board, Attn: Clerk
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Chicago, IL 60601-3218

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on the 27 day of January, 2004, we sent to the Clerk of the Pollution Control Board the original and nine copies of the COUNTY OF SALINE'S MOTION TO INTERVENE for filing in the above entitled cause.

The undersigned certifies that a true and correct copy of the above-described document was served upon each of the above-identified individuals via U.S. mail, by enclosing the same in envelopes properly addressed, with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office mail box, all on the 27 day of January, 2004.



Rod Wolf

Rod Wolf
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