

**RECEIVED**  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

FEB - 5 2004

SALINE COUNTY LANDFILL, INC., )  
 )  
 PETITIONER, )  
 )  
 v. )  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 RESPONDENT. )

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

No. PCB 04-117  
(PERMIT APPEAL)

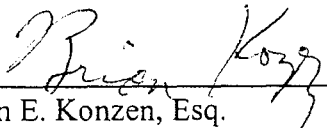
NOTICE OF FILING

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

Rod Wolf  
Saline County State's Attorney  
10 E. Poplar  
Harrisburg, Illinois 62946

Carol Sudman, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Ave. East  
PO Box 19274  
Springfield, Illinois 62794-9274

Please take notice that I have today filed with the Hearing Officer Petitioner's Motion Concerning Hearing Location, and certificate of service, on behalf of Saline County Landfill, Inc., copies of which are herewith served upon you.

  
\_\_\_\_\_  
Brian E. Konzen, Esq.  
Lueders, Robertson, Konzen LLC  
1939 Delmar, P.O. Box 735  
Granite City, Illinois 62040  
Phone: (618) 876-8500  
ARDC No.: 06187626

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

STATE OF ILLINOIS  
Pollution Control Board

SALINE COUNTY LANDFILL, INC., )  
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PETITIONER, )  
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v. )  
)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
RESPONDENT. )

No. PCB 04-117  
(Permit Appeal)

**MOTION CONCERNING HEARING LOCATION**

Comes now Saline County Landfill, Inc., Petitioner, and moves for an Order directing the hearing in this permit appeal to be held in Sangamon County, Illinois, per 35 Illinois Administrative Code 101.600.

1. In PCB 02-108, the permit appeal between the same petitioner and respondent was conducted in Sangamon County.

2. 35 Illinois Administrative Code 101.600 provides no requirement concerning the location of a public hearing on a permit appeal:

All hearings are open to the public and are held in compliance with the American's With Disabilities Act of 1990 (42 USC 12101 et seq.) The hearings are generally held in the County in which the source or facility is located unless otherwise ordered by the hearing officer. All hearings are subject to cancellation without notice. Interested persons may contact the Clerk's Office or the Hearing Officer for information about the hearing. Parties, participants, and members of the public must conduct themselves with decorum. 35 Illinois Administrative Code 101.600. (Emphasis Added.)

3. Attorneys for the sole parties of record to date, Petitioner and Respondent, both request the public hearing take place in Sangamon County, Illinois.

4. As of the filing of this motion, the potential hearing witnesses known and discussed to date between Petitioner and Respondent, are based in Sangamon County, Illinois.

5. As in PCB 02-108, the Office of the Saline County State's Attorney has sought to intervene in this cause. No one else has sought leave to intervene to date. No one else is expected to move to intervene.

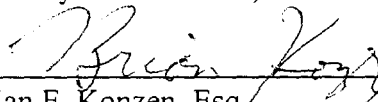
6. The public hearing will more likely conclude in one day instead of multiple days, if conducted in Sangamon County. On information and belief, a hearing conducted in Sangamon County can begin at 9:00 a.m. or earlier. A hearing conducted in Saline County will likely begin later, due to travel of Respondent's Counsel, the Hearing Officer, and witnesses.

7. The convenience of all known potential witnesses, the attorneys for Petitioner and Respondent, the parties themselves, and the administrative convenience of the Pollution Control Board itself, call for an Order to conduct hearings in this cause in Sangamon County.

8. Because the parties of record agree, the Board may rule on the location of the hearing without waiting for responses to this motion.

Therefore, Petitioner requests entry of an order pursuant to 35 Illinois Administrative Code 101.600, that the hearing in this cause be conducted in Sangamon County, Illinois, as in PCB 02-108, Saline County Landfill, Inc. v. IEPA.

Attorney for Petitioner, Saline County Landfill, Inc.

  
\_\_\_\_\_  
Brian E. Konzen, Esq.  
Lueders, Robertson & Konzen LLC  
1939 Delmar, P.O. Box 735  
Granite City, Illinois 62040  
Phone: (618) 876-8500  
ARDC No.: 06187626

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MAR 12 2002

STATE OF ILLINOIS  
*Pollution Control Board*

ILLINOIS POLLUTION CONTROL BOARD  
March 12, 2002

SALINE COUNTY LANDFILL, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 02-108
	)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	


**NOTICE OF HEARING**

A hearing in the above-captioned matter is scheduled and will be held in accordance with the following schedule:

DATE: Tuesday, April 16, 2002  
TIME: 10:00 a.m.  
PLACE: Illinois Pollution Control Board  
Board Meeting Room 403  
600 S. Second Street  
Springfield, Illinois

The hearing is open to the public.

IT IS SO ORDERED.



Steven C. Langhoff  
Hearing Officer  
Illinois Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield, Illinois 62704  
217/782-2615

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Dorothy Gunn, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

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Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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v. ) No. PCB 04-117  
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ILLINOIS ENVIRONMENTAL )  
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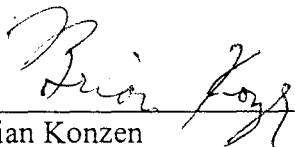
CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Motion Concerning Hearing Location by first class mailing upon the following persons by depositing same in a US Post Office box at 5:00 PM in Granite City, IL, with first class postage fully prepaid and the envelopes addressed to the following persons, on this 4<sup>th</sup> day of February, 2004.

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

Carol Sudman, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Ave. East  
PO Box 19274  
Springfield, Illinois 62794-9274

Rod Wolf  
Saline County State's Attorney  
10 E. Poplar  
Harrisburg, Illinois 62946

  
\_\_\_\_\_  
Brian Konzen

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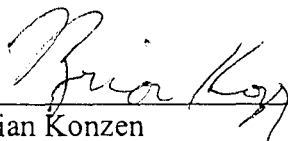
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **STATE OF ILLINOIS**  
**Pollution Control Board**

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

No. PCB 04-117  
(PERMIT APPEAL)

**RECYCLED PAPER CERTIFICATION**

I, the undersigned, verify that the foregoing Motion Concerning Hearing Location was printed on recycled paper, per 35 Ill. Adm. Code 101.302(g), and 101.202.

  
\_\_\_\_\_  
Brian Konzen

44847

LAW OFFICES  
LUEDERS, ROBERTSON & KONZEN LLC  
1939 DELMAR AVENUE  
P. O. BOX 735  
GRANITE CITY, ILLINOIS  
ZIP CODE 62040-0735  
618-876-8500  
FAX 618-876-4534

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Pollution Control Board

WESLEY LUEDERS - 1896-1957  
RANDALL ROBERTSON  
LEO H. KONZEN  
ERIC ROBERTSON  
BRIAN E. KONZEN  
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LAUREN K. SMITH

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February 4, 2004

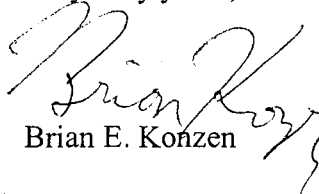
Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

RE: Saline County Landfill, Inc. v. IEPA  
PCB 04-117

Dear Ms. Gunn,

Enclosed please find original and ten copies of Motion Concerning Hearing Location, Notice of Filing, Certificate of Service, and Recycled Paper Certification regarding the above cause.

Very truly yours,

  
Brian E. Konzen

bk/rh  
44847