

0198-004

ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE  
JUN 30 2004

STATE OF ILLINOIS  
Pollution Control Board

WASTE MANAGEMENT OF ILLINOIS,  
INC.,

Petitioner,

v.

COUNTY BOARD OF KANKAKEE  
COUNTY,

Respondent.

PCB 04-186

(Pollution Control Facility Siting Appeal)

**NOTICE OF FILING**

To: (See attached Service List.)

PLEASE TAKE NOTICE that on this 30<sup>th</sup> day of June 2004, the following were filed with the Illinois Pollution Control Board: **County of Kankakee's Certification of Record on Appeal** and **County of Kankakee's Motion For Leave to File a Single Copy of Portions of the Record**, attached and herewith served upon you.

COUNTY OF KANKAKEE and  
COUNTY BOARD OF KANKAKEE

By: Elizabeth S. Harvey  
Elizabeth S. Harvey  
One of Its Attorneys

Elizabeth S. Harvey  
SWANSON, MARTIN & BELL  
One IBM Plaza, Suite 3300  
330 North Wabash Avenue  
Chicago, Illinois 60611  
Telephone: (312) 321-9100  
Firm I.D. No. 29558

ORIGINAL  
CERTIFICATE OF SERVICE

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JUN 30 2004

STATE OF ILLINOIS  
Pollution Control Board

I, the undersigned non-attorney, state that I served a copy of the above-described documents to counsel of record in this matter via U.S. Mail at One IBM Plaza, Chicago, IL 60611, on or before 5:00 p.m. on June 30, 2004.

  
Jeanette M. Podlin

[x] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

0198-004

# ORIGINAL

## SERVICE LIST

### KANKAKEE COUNTY/WMII LANDFILL SITING PCB 04-186

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STATE OF ILLINOIS  
Pollution Control Board

*Attorney for Kankakee County Board:*

Charles F. Helsten  
Hinshaw & Culbertson  
100 Park Avenue  
P.O. Box 1389  
Rockford, IL 61105

*Attorney for Waste Management of Illinois:*

Donald J. Moran  
Pedersen & Houpt  
161 North Clark Street  
Suite 3100  
Chicago, IL 60601-3242

*Corporation Counsel:*

Christopher W. Bohlen  
Barmann, Bohlen & Woodruff, PC  
200 East Court Street  
Suite 502  
P.O. Box 1787  
Kankakee, IL 60901

*Attorney for Mike Watson:*

Jennifer J. Sackett Pohlenz  
Querrey & Harrow, Ltd.  
175 West Jackson Boulevard  
Suite 1600  
Chicago, IL 60604-2827

*Attorney for Merlin Karlock:*

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

*Attorney for Darrel Bruck Jr.:*

Kenneth A. Bleyer  
923 West Gordon Terrace, #3  
Chicago, IL 60613-2013

Lee Milk  
Bryan Milk  
6903 S. Route 45-52  
Chebanse, IL 60922-5153

Byron Sandberg  
109 South Raub Street  
Donovan, IL 60931

Patrick Buescher  
198 Mohawk Drive  
Apartment 1  
Bourbonnais, IL 60914

Keith Runyon  
1165 Plum Creek Drive  
Bourbonnais, IL 60914

Darrel Bruck  
2943 Chippewa Drive  
Bourbonnais, IL 60914

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WASTE MANAGEMENT OF ILLINOIS,  
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COUNTY BOARD OF KANKAKEE  
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**CERTIFICATION OF RECORD ON APPEAL**

Pursuant to Sections 107.304 and 107.308 of the Board's procedural rules, Bruce Clark, County Clerk of Kankakee County, hereby certifies that he has submitted all information and documents filed with the County Clerk regarding the application for site approval filed by Waste Management of Illinois, Inc., on September 26, 2003. The record consists of the following:

- C1 Application for Siting Approval, Volume 1 (WM Exhibit #1)
- C2 Application for Siting Approval, Volume 2 (WM Exhibit #2)
- C3 Site Location Application Maps
- C4 IEPA Operating Record Microfiche Sets 1-8
- C5 Engineering and Hydrogyo Drawings (CD)
- C6 IEPA Groundwater 4-03 RDF Access Data Base (CD)
- C7 IEPA GW Info Samples Collected 10/2002 to 5/2003 (CD)
- C8 Notice of Application to County Board Requesting Approval of Site Location
- C9 WM Notice of Filing Documents with Kankakee County
- C10 Planning & Zoning Notice of WM Filing with Kankakee County
- C11 Journal Publication Notice of WM Filing Application
- C12 Public Notice of Hearing Ending & Public Comment Dates
- C13 Public Notice of KCRPC Hearing for Site Location Application
- C14-C14D Querrey & Harrow Notice of Filing Return of Service of Summons for WM
- C15-C15F Keith Runyon Notice of Filing Pre-Hearing Motion to Reschedule
- C16 Signed Acknowledgement of Receipt of Volume I & II of Site Application
- C17 Appearance As Objectors – Kenneth Leshen City of Kankakee
- C18 Appearance – Keith Runyon

C19	Appearance – Querrey & Harrow Ltd. Representing Mike Watson
C20-C22	Notice of Filing Appearance – George Mueller for Merlin Karlock
C23	Appearance – Lee Milk/Bryan Milk
C24	Appearance – Darrel W. Bruck Jr.
C25	Appearance – Patrick Buescher
C26	Objector – Byron Sandberg
C27	Public Comment Participant – Lee Milk/Bryan Milk
C28	City of Kankakee Exhibits – Richard Schultz
C29-C103	Keith Runyon Exhibits
C104-C1861	Querrey & Harrow, Ltd./Michael Watson Exhibits
C1862-C1880	George Mueller/Merlin Karlock Exhibits
C1881-C1892	Byron Sandberg Exhibits
C1893-C1896	Keller Exhibits (Also a Public Comment)
C1897	Ron Thompson Exhibit
C1898-C2603	Waste Management Exhibits
C2603A-C2603C	IEPA Operating Records (WM Exhibits)
C2604	Hearing Transcript Volume I, January 12, 2003, Morning Session, Pages 1-111
C2605	Hearing Transcript Volume II, January 12, 2003, Afternoon Session, Pages 1-157
C2606	Hearing Transcript Volume III, January 12, 2003, Evening Session, Pages 1-100
C2607	Hearing Transcript Volume IV, January 13, 2003, Afternoon Session, Pages 1-148
C2608	Hearing Transcript Volume V, January 13, 2003, Evening Session, Pages 1-83
C2609	Hearing Transcript Volume VI, January 14, 2003, Morning Session, Pages 1-122
C2610	Hearing Transcript Volume VII, January 14, 2003, Afternoon Session, Pages 1-156
C2611	Hearing Transcript Volume VIII, January 14, 2003, Evening Session, Pages 1- 69
C2612	Hearing Transcript Volume IX, January 15, 2003 Morning Session, Pages 1-137
C2613	Hearing Transcript Volume X, January 16, 2003, Morning Session, Pages 1-106
C2614	Hearing Transcript Volume XI, January 16, 2003, Afternoon Session, Pages 1-93
C2615	Hearing Transcript Volume XII, January 20, 2003, Morning Session, Pages 1-85
C2616	Hearing Transcript Volume XIII, January 21, 2003, Evening Session, Pages 1-254
C2617-C2618	Public Comment #1 – Phyllis M. Wilken
C2619-C2621	Public Comment #2 – Joanne Hilliker

C2622-C2624	Public Comment #3 – Andrea Taylor
C2625-C2633	Public Comment #4 – Rodney Cote
C2634-C2637	Public Comment #5 – Ed Mullady
C2638-C2639	Public Comment #6 – Albert & Marguerite Cote
C2640-C2643	Public Comment #7 – Louise Wilken
C2644-C2668	Public Comment #8 – Keith Runyon
C2669-C2694	Public Comment #9 – Charles H. Norris
C2695-C2708	Public Comment #10 – Andrew F. Nickodem, Earth Tech, Inc.
C2709-C2710	Public Comment #11 – Larry Benson
C2711-C2712	Public Comment #12 – Pat Billadeau
C2713-C2714	Public Comment #13 – Jeremy & Tammy Christer
C2715	Public Comment #14 – Connie Clevenger
C2716-C2717	Public Comment #15 – Rodney & Carolyn Cote
C2718-C2719	Public Comment #16 – Valerie & Doug Enz
C2720-C2721	Public Comment #17 – Tammy Focken
C2722-C2723	Public Comment #18 – Beverly Fullerton
C2724-C2725	Public Comment #19 – Angela Furgal
C2726-C2727	Public Comment #20 – Mark & Jen Genson
C2728-C2729	Public Comment #21 – Paul R. Gray
C2730	Public Comment #22 – The Giffords
C2731-C2732	Public Comment #23 – Michael D. Gulczynski
C2733-C2736	Public Comment #24 – Corrina Horrath
C2737-C2738	Public Comment #25 – Merlin Karlock
C2739-C2742	Public Comment #26 – Carol Keller
C2743-C2744	Public Comment #27 – Robert Keller
C2745-C2747	Public Comment #28 – Stephanie Kramer
C2748-C2749	Public Comment #29 – Wendall Lambert
C2750-C2751	Public Comment #30 – Darlene LeClair
C2752-C2753	Public Comment #31 – Karen Mallaney
C2754-C2782	Public Comment #32 – Patricia O'Dell
C2783-C2784	Public Comment #33 – Linda Olson


C2785-C2787	Public Comment #34 – Doris Pickett
C2788-C2789	Public Comment #35 – Scott & Sandra Reeves
C2790-C2791	Public Comment #36 – Mardell Regas
C2792-C2800	Public Comment #37 – Byron Sandberg
C2801-C2802	Public Comment #38 – Terry Thompson
C2803-C2805	Public Comment #39 – Judy Welch
C2806-C2807	Public Comment #40 – Peggy Whitaker
C2808- C2809	Public Comment #41 – Jennifer J. Sackett Pohlenz
C2810-C3114	Public Comment #42 – David J. Flynn
C3115-C3121	Public Comment #43 – Donald J. Moran (Affidavit)
C3122-C3180	Public Comment #44 – IEPA Letter of 1/29/04 to Mark Batheson
C3181-C3276	Public Comment #45 – Donald Moran – Applicants Proposed Findings
C3277-C3328	Public Comment #46 – County Staff Report & Recommendations 2/20/04
C3329-C3384	Public Comment #47 – County Staff Report & Recommendations 1/6/03
C3385	Not Used
C3386-C3406	Public Comment #48 – County Staff Attachments
C3407	Public Comment #49 – Patrick Engineering Inc. – Ground Water Impact Evaluation
C3408-C3453	Public Comment #50 – Letters sent to Jamie Romein after 2/20/04
C3454-C3489	Public Comment #51 – Letters sent to Edwin Meents after 2/20/04
C3490-C3506	Public Comment #52 – Letters sent to Douglas B. Graves after 2/20/04
C3507-C3519	Public Comment #53 – Letters sent to Kelly McLaren after 2/20/04
C3520-C3548	Public Comment #54 – Letters sent to Stephen Liehr after 2/20/04
C3549-C3572	Public Comment #55 – Letters sent to Duane Bertrand after 2/20/04
C3573-C3574	Public Comment #56 – Letters sent to Leo Whitten after 2/20/04
C3575-C3588	Public Comment #57 – Letters sent to George Washington Jr. after 2/20/04
C3589-C3597	Public Comment #58 – Letters sent to Larry Gibbs after 2/20/04
C3598-C3618	Public Comment #59 – Letters sent to Pam Lee after 2/20/04
C3619-C3676	Public Comment #60 – Letters sent to Jim Vickery after 2/20/04
C3677-C3701	Public Comment #61 – Letters sent to Lisa Latham-Waskosky after 2/20/04
C3702-C3721	Public Comment #62 – Letters sent to Robert Scholl after 2/20/04
C3722-C3728	Public Comment #63 – From City of Kankakee

C3729-C3739	Public Comment #64 – Donald Moran letter dated 3/11/04
C3740-C3741	Letter of 9/26/03 to Karl Kruse from Donald Moran
C3742	Memo of 9/29/03 to Board Members from Mike Van Mill
C3743-C3745	Memo of 9/30/03 to Board Members from Juanita Baker, County Administrator
C3746-C3747	Memo of 10/1/03 to Regional Planning Commission from Mike Van Mill
C3748-C3758	Letter of 10/1/03 to Various Local Officials from Mike Van Mill
C3759-C3769	Letter of 10/9/03 to Various Local Officials from Mike Van Mill
C3770	Letter of 10/29/03 to Donald Moran from Elizabeth Harvey
C3771	Letter of 11/6/03 to Ester Fox from Elizabeth Harvey
C3772-C3773	Letter of 11/6/03 to Donald Moran from Elizabeth Harvey
C3774	Memo of 12/9/03 to File from Mike Van Mill
C3775-C3776	Not Used
C3777-C3778	Memo of 12/19/03 to Regional Planning Comm. from George Washington, Jr.
C3779	Letter of 1/13/04 to Pam Lee & Robert Damico from Dr. Shari Marshall
C3780-C3782	Memo of 2/20/04 to Regional Planning Comm. from Mike Van Mill
C3783	Not Used
C3784-C3785	Letter of 2/26/04 to Donald Moran from Elizabeth Harvey
C3786-C3788	Letter of 3/22/04 to Karl Kruse from Donald Moran
C3789-C3800	Letter of 3/22/04 to Pam Lee from Ed Smith, State's Attorney
C3801-C3810	Letter of 3/24/04 to Pam Lee from Ed Smith, State's Attorney
C3811	Letter to Elizabeth Harvey & Charles Helsten from Bruce Harrison
C3812-C3813	Letter of 3/30/04 to Bruce Harrison from Elizabeth Harvey
C3814	Letter of 3/30/04 to Ester Fox from Elizabeth Harvey
C3815-C3854	Letter of 4/6/04 to Karl Kruse from Donald Moran
C3855	Letter of 4/13/04 to Karl Kruse from Donald Moran
C3856	Letter of 4/16/04 to Ester Fox from Elizabeth Harvey
C3857-3871	Letter of 4/16/04 to All Counsel & Participants from Elizabeth Harvey
C3872-C3873	Letter of 4/22/04 to Karl Kruse from Donald Moran
C3874-C3875	Entry of Appearance – Kenneth A. Bleyer for Darrel Bruck, Jr.
C3876-C3879	Waste Management Activity Log
C3880-C3896	Kankakee County Regional Planning Comm. Meeting Minutes of March 2, 2004



C3897-C3900	Kankakee County Regional Planning Comm. Meeting Minutes of March 9, 2004
C3901-C3902	Kankakee County Board Meeting Minutes of March 17, 2004
C3903-C3907	Kankakee County Board Meeting Minutes of April 13, 2004
C3908-C3909	Affidavit of Mark Frechette, Kankakee County Treasurer
C3910-C3911	Notice of Filing – Waste Management Motion to Reconsider – Donald Moran
C3912-C3917	Applicant Waste Management of Illinois, Inc. Motion To Reconsider
C3918-C3926	Notice of Filing – Waste Management Motion To Renew – Donald Moran
C3927-C3928	Notice of Filing – Response to Waste Management's Motion to Reconsider And Motion to Renew – Jennifer J. Sackett Pohlenz
C3929-C3940	Response to Waste Management's Motion for Reconsideration & Motion To Renew – Jennifer J. Sackett Pohlenz
C3941-C3990	Letter of January 15, 2004 to Attorney General Lisa Madigan from Jennifer Pohlenz
C3991-C4019	Letter of April 6, 2004 to Karl Kruse from Donald Moran
C4020-C4024	Waste Management's Reply to Watson's Response Filed 4/12/04 – Donald Moran
C4025-C4051	Not Used
C4052	Notice of Filing – Objection to Waste Management's Request for Reconsideration Or Renewal of Consideration of the County's Previous Denial – George Mueller
C4053-C4064	Objection to Waste Management's Request – George Mueller
C4065	Illinois Pollution Control Board – May 20, 2004 – Order of the Board
C4066-C4068	Illinois Pollution Control Board – June 2, 2004 – Hearing Officer Order
C4069-C4071	Not Used
C4072-C4099	Supplement to County Staff Summary Report – March 1, 2004
C4100-C4114	Recommendation of the Kankakee County Regional Planning Comm.
C4115-C4125	Kankakee County Board Decision Regarding WM Application

Respectfully submitted,

  
 BRUCE CLARK  
 County Clerk of Kankakee County

*By Ester*  
*Tap*

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WASTE MANAGEMENT OF ILLINOIS, )  
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v. )

COUNTY BOARD OF KANKAKEE )  
COUNTY, )

Respondent. )

PCB 04-186

(Pollution Control Facility Siting Appeal)

**MOTION FOR LEAVE TO FILE A SINGLE COPY OF PORTIONS OF THE RECORD**

Respondent COUNTY BOARD OF KANKAKEE ("County"), by its attorneys Hinshaw & Culbertson and Swanson, Martin & Bell, hereby moves the Board or the hearing officer for leave to file only the "original" of portions of the record on appeal.

1. On June 28, 2004, the hearing officer granted the County's motion for extension of time to file the record, and for leave to file the original and three copies of the record.

2. On further review of the record, the County seeks leave to file only the original of two portions of the record.

3. The County asks to file only the original of the IEPA operating record, which consists of three banker's boxes (C 2603A through C 2603C). The operating record consists of voluminous paper documents, microfiche, and CD-ROMS. Due to the difficulty and expense involved in copying the operating record, the County seeks leave to file only the original.

4. The County also moves to file only the original of a power point presentation submitted by Mr. Ronald Thompsen at hearing. That CD-ROM is numbered as C 1897.

5. Section 107.304(c) of the Board's procedural rules requires the City to file the original and nine copies of all documents (except the transcript) in the record.

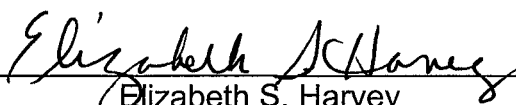
6. The County is aware that the Board has proposed, in rulemaking R03-010, amending its procedural rules to delete the requirement in Section 107.304(c) that the siting authority file the original and nine copies of the record. (The rulemaking proposed in R03-010 has been incorporated into the record of R04-008.) The County is also aware that the composition of the Board has been reduced from seven members to five members, and that the Board recently consolidated its offices.

7. Due to the difficulty and expense of providing three copies of the operating record, and of Mr. Thompsen's presentation, the County seeks leave to file only the original of those portions of the record.

WHEREFORE, the County moves this Board or its hearing officer for leave to file only the original of two portions of the record; and for such other relief as the Board deems appropriate.

Respectfully submitted,

COUNTY BOARD OF KANKAKEE

By:   
Elizabeth S. Harvey  
One of Its Attorneys

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Richard Porter  
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