

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

PEORIA DISPOSAL COMPANY,)
Petitioner,)
vs.)
PEORIA COUNTY BOARD,)
Respondent.)

PCB 06-184
(Pollution Control Facility
Siting Appeal)

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on October 18, 2006 there caused to be filed with the Illinois Pollution Control Board an original and nine (9) copies of the following document, a copy of which is attached hereto:

MOTION FOR LEAVE TO FILE AN AMICUS CURIAE BRIEF

By: David C. Weir
Attorney at Law

PROOF OF SERVICE

STATE OF ILLINOIS)
) SS
COUNTY OF PEORIA)

The undersigned, being first duly sworn, state that I served a true and correct copy of the foregoing Notice, together with a copy of each document referred to therein, upon the person(s) indicated via email and/or regular mail as indicated in the Service List on the 18 day of October, 2006.

Susan M. Hudson

SUBSCRIBED and SWORN TO before me this 18 Day of October, 2006.



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Notary Public

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)	(Pollution Control Facility
PEORIA COUNTY BOARD,)	Siting Appeal)
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MOTION FOR LEAVE TO FILE AN *AMICUS CURIAE BRIEF*

Now come Peoria Families Against Toxic Waste ("PFATW"), and Sierra Club, Heart of Illinois Group, (collectively the "Opposition Groups"), by and through their attorney, David L. Wentworth II of HASSELBERG, WILLIAMS, GREBE, SNODGRASS & BIRDSALL, and for their Motion for Leave to File an *Amicus Curiae Brief*, state and allege as follows:

1. That, pursuant to Section 101.110(c), and in accordance with Section 101.628(c) of the General Rules of the Illinois Pollution Control Board (35 Ill. Admin. Code, Part 101), an *Amicus Curiae Brief* can be filed in any adjudicatory proceeding by an interested person, provided permission is granted by the Board, and that the filing will not delay the decision-making of the Board.

2. That the Opposition Groups are interested parties as set forth in Section 101.628(c) of the Board Rules, and, accordingly, permission should be granted allowing them to file an *Amicus Curiae Brief*.

3. The Opposition Groups (among other groups) participated actively in the local pollution control facility siting public hearings before the Peoria County Board which are the subject of the Petition to Review filed by Peoria Disposal Company in the instant case. The Opposition Groups were the only Objectors at said proceedings

represented by legal counsel; the Opposition Groups cross-examined witnesses; the Opposition Groups presented affirmative expert evidence in opposition to the application for siting approval; and the Opposition Groups filed detailed briefs with the Peoria County Board. See Record on Appeal, Transcripts of Site Hearings (C7267-C7934), and various other filings of Opposition Groups as set forth in the Record on Appeal, "Amended Index" filed by Peoria County Board on August 17, 2006.

4. That PFATW is a voluntary unincorporated association of citizens in the community of Peoria, and the Sierra Club, Heart of Illinois Group, is a similar voluntary non-profit group of local citizens, and they would be adversely affected by a decision reversing the correct finding of the Peoria County Board.

5. That participation of the Opposition Groups in filing a brief would not materially delay these proceedings, and that this motion is expeditiously brought well in advance of the time for filing any post-hearing briefs.

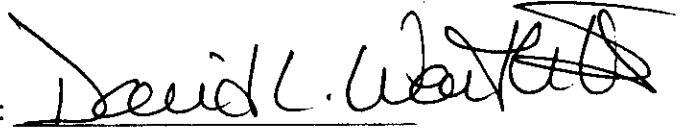
6. That the Opposition Groups contemplate filing their *Amicus Curiae Brief* at the same time the Hearing Officer orders the Respondent to file its post-hearing brief.

WHEREFORE, the Opposition Groups respectfully pray that:

- A. The Illinois Pollution Control Board grant their Motion thereby giving the Opposition Groups permission to file an *Amicus Curiae Brief* in this matter subject to any briefing schedule established by the Hearing Officer pursuant to Section 101.610 (k) ; and
- B. The Board issue such order as expeditiously as its schedule reasonably permits to allow the Opposition Groups ample time to prepare their brief without delay to these proceedings.

Respectfully Submitted,

Peoria Families Against Toxic Waste and
Sierra Club, Heart of Illinois Group

By: 
Their Attorney

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