

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

AMERICAN BOTTOM CONSERVANCY,)
and SIERRA CLUB,)

Co-Petitioners,)

v.)

CITY OF MADISON, and WASTE)
MANAGEMENT OF ILLINOIS, INC.)

Respondents.)

PCB 07-84
(Pollution Control Facility
Siting Appeal)

ANSWER OF CITY OF MADISON TO PETITION FOR REVIEW

Comes now the Respondent, CITY OF MADISON, Illinois, by its Municipal Attorney, JOHN T. PAPA, and for its Answer to the Petition for Review of Pollution Control Facility Siting Approval states, as follows:

1. The City of Madison, Illinois lacks knowledge sufficient to admit or deny the allegations contained in paragraph 1 of Co-Petitioners Petition for Review but demands strict proof thereof.

2. The City of Madison, Illinois lacks sufficient knowledge to admit or deny the allegations contained in paragraph 2 of Co-Petitioners Petition for Review but demands strict proof thereof.

3. The City of Madison, Illinois lacks sufficient knowledge to admit or deny the allegations contained in paragraph 3 of Co-Petitioners Petition for Review but demands strict proof thereof.

4. The City of Madison, Illinois lacks sufficient knowledge to admit or deny the allegations contained in paragraph 4 of Co-Petitioners Petition for Review but demands strict proof thereof.

5. The City of Madison, Illinois lacks sufficient knowledge to admit or deny the allegations contained in paragraph 5 of Co-Petitioners Petition for Review but demands strict proof thereof.

6. The City of Madison, Illinois admits the allegations contained in paragraph 6 of Co-Petitioners Petition for Review.

7. The City of Madison, Illinois admits the allegations contained in paragraph 7 of Co-Petitioners Petition for Review.

8. The City of Madison, Illinois admits it conducted proceedings for siting approval as alleged in paragraph 8 of Co-Petitioners Petition for Review and the City of Madison, Illinois admits all other allegations contained in paragraph 8 of Co-Petitioners Petition for Review and the City of Madison admits all other allegations contained in paragraph 8 of Co-Petitioners Petition for Review.

9. The City of Madison, Illinois admits that the Cahokia Mounds is a UNESCO World Heritage Site as well as a state historic site; the City of Madison, Illinois, denies all remaining allegations contained in paragraph 9 of Co-Petitioners Petition for Review.

10. The City of Madison, Illinois denies the allegations contained in paragraph 10 of Co-Petitioners Petition for Review.

11. The City of Madison, Illinois neither admits nor denies the allegations contained in paragraph 11 of Co-Petitioners Petition for Review but demands strict proof thereof.

12. The City of Madison, Illinois admits the allegations contained in paragraph 12 of Co-Petitioners Petition for Review.

13. The City of Madison, Illinois admits that it approved the application on February 6, 2007 as alleged in paragraph 13 of Co-Petitioners Petition for Review; the City of Madison, Illinois neither admits nor denies the remaining allegations of paragraph 13 of Co-Petitioners Petition for Review but demands strict proof thereof.

14. The City of Madison, Illinois restates and incorporates by reference its Answers to paragraphs 1-13 of Co-Petitioners Petition for Review as and for its Answer to paragraph 14 of Co-Petitioners Petition for Review.

15. The City of Madison, Illinois denies the allegations contained in paragraph 15 of Co-Petitioners Petition for Review.

16. The City of Madison, Illinois admits that it passed Ordinance 1670 on June 13, 2006; the City of Madison, Illinois denies the remaining allegations contained paragraph 16 of Co-Petitioners Petition for Review.

17. The City of Madison, Illinois denies the allegations contained in paragraph 17 of Co-Petitioners Petition for Review.

18. The City of Madison, Illinois denies that Co-Petitioners were unfairly denied any opportunities to examine material or cross exam witnesses as alleged in paragraph 18 of Co-Petitioners Petition for Review; the City of Madison, Illinois neither admits nor denies all remaining allegations contained in paragraph 18 of Co-Petitioners Petition for Review but demands strict proof thereof.

19. The City of Madison, Illinois denies that Co-Petitioners were unfairly denied any opportunities to examine material or cross exam witnesses as alleged in paragraph 19 of Co-Petitioners Petition for Review; the City of Madison, Illinois neither admits nor denies all remaining allegations contained in paragraph 18 of Co-Petitioners Petition for Review but demands strict proof thereof.

20. The City of Madison, Illinois denies the allegations contained in paragraph 20 of Co-Petitioners Petition for Review.

21. The City of Madison, Illinois denies the allegations contained in paragraph 21 of Co-Petitioners Petition for Review.

22. The City of Madison, Illinois restates and incorporates by reference its Answers to paragraphs 1-21 of Co-Petitioners Petition for Review as set forth in paragraph 22 of Co-Petitioners Petition for Review.

23. The City of Madison, Illinois denies the allegations contained in paragraph 23 of Co-Petitioners Petition for Review.

24. The City of Madison, Illinois denies the allegations contained in paragraph 24 of Co-Petitioners Petition for Review.

25. The City of Madison, Illinois denies the allegations contained in paragraph 25 of Co-Petitioners Petition for Review.

26. The City of Madison, Illinois denies the allegations contained in paragraph 26 of Co-Petitioners Petition for Review.

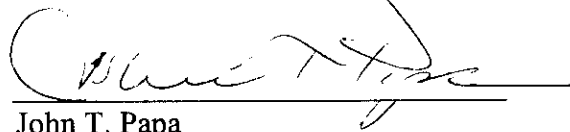
27. The City of Madison, Illinois denies the allegations contained in paragraph 27 of Co-Petitioners Petition for Review.

WHEREFORE, the City of Madison, Illinois respectfully requests that the Illinois Pollution Control Board deny the relief requested in the Petition for Review, affirm its decision in granting site location approval, and award such other and further relief as the Board deems just and proper.

Respectively submitted,

CITY OF MADISON, ILLINOIS

By:


John T. Papa

CERTIFICATE OF SERVICE

I, John T. Papa, an attorney, on oath state that I caused a copy of the foregoing to be served on the following parties:

Brucé A. Morrison
Great Rivers Environmental Law Center
705 Olive Street, Suite 614
St. Louis, Missouri 63101

Donald J. Moran
161 North Clark Street
Suite 3100
Chicago, Illinois 60601

