

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JUL 20 2007

STATE OF ILLINOIS
Pollution Control Board

FOX MORAINÉ, LLC)

Petitioner,)

v.)

UNITED CITY OF YORKVILLE, CITY)
COUNCIL)

Respondent.)

PCB No. 07-146

(Pollution Control Facility Siting
Appeal)

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on this 20th day of July, 2007, Leo P. Dombrowski, one of the attorneys for Respondent, United City of Yorkville, filed the original and nine (9) copies of the attached **United City of Yorkville's Motion for Relief From Certain Landfill Siting Record Requirements**, with the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

UNITED CITY OF YORKVILLE

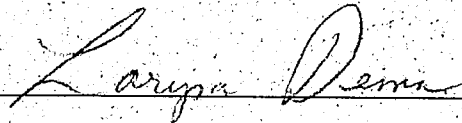
By: 

One of their Attorneys

Anthony G. Hopp
Thomas I. Matyas
Leo P. Dombrowski
WILDMAN, HARROLD, ALLEN & DIXON LLP
225 West Wacker Drive, 30th Floor
Chicago, Illinois 60606
Phone: (312) 201-2000
Fax: (312) 201-2555
hopp@wildman.com
matyas@wildman.com
dombrowski@wildman.com

CERTIFICATE OF SERVICE

I, Larysa Dema, a non-attorney, certify that I served a copy of the foregoing **Notice of Filing and United City of Yorkville's Motion for Relief From Certain Landfill Siting Record Requirements** to all Counsel of Record listed on the attached Service list, by sending it via First Class Mail on July 20 2007, before 5:00 p.m.



[x] Under penalties as provided by law pursuant to ILL. REV. STAT. CHAP. 110 – SEC 1-109, I certify that the statements set forth herein are true and correct.

Fox Moraine, LLC v. United City of Yorkville
PCB No. 07-146

SERVICE LIST

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601

George Mueller
MUELLER ANDERSON, P.C.
609 Etna Road
Ottawa, Illinois 61350

Charles Helston
Hinshaw & Culbertson, LLP
100 Park Avenue
P.O. Box 1389
Rockford, Illinois 61105-1389

Michael M. Roth
Ice Miller LLP
2300 Cabot Drive
Suite 455
Lisle, Illinois 60532

Ms. Valerie Burd, Mayor
City of Yorkville
800 Game Farm Road
Yorkville, IL 60560

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JUL 20 2007

STATE OF ILLINOIS
Pollution Control Board

FOX MORaine, LLC)

Petitioner,)

v.)

UNITED CITY OF YORKVILLE, CITY)
COUNCIL)

Respondent.)

PCB No. 07-146

(Pollution Control Facility Siting
Appeal)

**UNITED CITY OF YORKVILLE'S MOTION FOR RELIEF
FROM CERTAIN LANDFILL SITING RECORD REQUIREMENTS**

Respondent, the United City of Yorkville ("Yorkville"), by and through its attorneys, respectfully moves the Pollution Control Board for an order granting Yorkville relief from certain requirements regarding the preparation and filing of the record. In support of its Motion, Yorkville states as follows:

1. The record in this matter is now due on or before August 16, 2007.
2. Board rules state that, "Seven copies of the transcript and one original and 9 copies of all other documents in the record must be filed with the Board." 35 Ill. Admin. Code § 107.304(c). Board rules also state that the record "must be placed in chronological sequence. *Id.* at § 107.304(b).
3. The record in this matter is voluminous. The landfill application alone fills approximately two boxes. Yorkville held public hearings on 23 days on the application, which resulted in over 100 hours of testimony from numerous witnesses, in addition to the filing of thousands of pages of related exhibits. There were also other, numerous exhibits filed as part of the record by various persons. Additionally, thousands

of pages of post-hearing comments were submitted. Yorkville estimates that the record runs well over 10,000 pages.

4. Because of the size of the record, Yorkville requests relief from the number of copies required to be filed and requests that it be granted leave to file one paper copy of the record along with one disk. Filing one paper copy of the record along with one disk would eliminate over one hundred thousand pages of paper to be filed with the Board. Yorkville believes that filing the record in this way would not hinder, delay, or otherwise negatively impact these proceedings before the Board.

5. As to the chronological sequence requirement, Yorkville will certainly file the record documents such as the host agreement, landfill application, hearing transcripts, post-hearing comments, transcripts of City Council Special Meetings, and City Council Resolution in chronological sequence. However, Yorkville believes that arranging the pre-hearing exhibits that were submitted to Yorkville alphabetically according to the submitter's name might be more understandable and user-friendly than sequencing them according to date submitted. For example, some parties, such as Kendall County and the Village of Plainfield, submitted exhibits more than once and on different dates.

Therefore, Yorkville asks for relief from the chronological sequencing requirement for these exhibits.

6. During the telephonic status conference on July 18, 2007, George Mueller, attorney for Petitioner Fox Moraine, indicated that Fox Moraine had no objection to this Motion.

WHEREFORE, Respondent, the United City of Yorkville, respectfully moves
the Board for an Order:

- 1) Granting it leave to file one paper copy of the record along with one disk;
- 2) Granting it leave to file the pre-hearing exhibits alphabetically according to the submitter's name; and
- 3) For further relief as the Board deems just and proper.

Respectfully submitted,

UNITED CITY OF YORKVILLE

By: 

One of their Attorneys

Dated: July 20, 2007

Anthony G. Hopp
Thomas I. Matyas
Leo P. Dombrowski
WILDMAN, HARROLD, ALLEN & DIXON LLP
225 West Wacker Drive, 30th Floor
Chicago, Illinois 60606
Phone: (312) 201-2000
Fax: (312) 201-2555
hopp@wildman.com
matyas@wildman.com
dombrowski@wildman.com