

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROCHELLE WASTE DISPOSAL, L.L.C.,

Petitioner,

v.

THE CITY OF ROCHELLE, an ILLINOIS
MUNICIPAL CORPORATION and THE
ROCHELLE CITY COUNCIL,

Respondents.

PCB No. 07-113

NOTICE OF FILING

TO: All Counsel of Record (see attached Service List)

PLEASE TAKE NOTICE that on November 21, 2007, the undersigned filed electronically with the Illinois Pollution Control Board, 100 West Randolph Street, Chicago, Illinois 60601, the Petitioner's Supplement to Motion for Leave to File Motion For Partial Summary Judgment, a copy of which is attached hereto.

Dated: November 21, 2007

Respectfully submitted,

ROCHELLE WASTE DISPOSAL, L.L.C.

/s/Charles F. Helsten

Charles F. Helsten

One of Its Attorneys

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**PETITIONER'S SUPPLEMENT TO MOTION FOR LEAVE TO FILE MOTION FOR
PARTIAL SUMMARY JUDGMENT**

NOW COMES Rochelle Waste Disposal, LLC, Petitioner in the above-mentioned matter, and files this Supplement to its Motion for Leave to File Motion for Partial Summary Judgment and, in support thereof, states as follows:

On or about the 20th day of November, 2007, the Petitioner herein filed its Motion for Leave to File its Motion for Partial Summary Judgment. This Supplement is intended to clarify the purpose for the Petitioner's filing of the proposed Motion for Partial Summary Judgment.

1. In its Petition for Review, Petitioner challenged eight (8) special conditions imposed on the Rochelle City Council's grant of siting approval, and requested that the Illinois Pollution Control Board refuse to affirm those conditions and strike them from any grant of siting approval. Alternatively, Petitioner requested the Board to grant "such other and further relief as this Honorable Board deems appropriate in the circumstances".

2. In its initial brief, Petitioner set forth its arguments for striking the challenged conditions. While Petitioner believes that those arguments are well taken, and that the challenged conditions, as imposed, are not supported by the record, it also believes that the record in the case would have supported the imposition of conditions similar to, but less stringent

than, those actually imposed in certain instances. Consistent with its prayer for "other and further relief", Petitioner wishes to file its Motion for Partial Summary Judgment to set forth in detail its view as to which conditions, if so modified, would find undisputed support in the record. This analysis is intended to provide the Board with an alternative possible resolution of Petitioner's appeal, beyond simply affirming or reversing the conditions as imposed.

Dated: November 21, 2007

Respectfully submitted,

ROCHELLE WASTE DISPOSAL, L.L.C.

/s/Charles F. Helsten

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One of Its Attorneys

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AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on November 21, 2007, she served a copy of the foregoing upon:

Hon. John McCarthy 45 East Side Square, Suite 301 Canton, IL 61520 jjmccarthy@winco.net	Donald J. Moran Pedersen & Houpt 161 N. Clark St., Suite 3100 Chicago, IL 60601-3142 dmoran@pedersenhaupt.com
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Bradley Halloran Illinois Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, IL 60601 hallorab@ipcb.state.il.us	Mr. Bruce W. McKinney Rochelle City Clerk Rochelle City Hall 420 North 6 th Street Rochelle, IL 61068 bmckinney@rochelle.net

via electronic mail before the hour of 5:00 p.m., at the addresses listed above.

/s Joan Lane

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