

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROCHELLE WASTE DISPOSAL, L.L.C., )

Petitioner, )

PCB 07-113

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

Respondents. )

**CITY'S RESPONSE TO  
MOTION FOR LEAVE TO  
FILE MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

THE CITY OF ROCHELLE, the applicant for siting in the above-captioned matter, pursuant to 35 Ill. Adm. Code 107.504 and 101.308(c)(2), hereby files its response to the motion for leave to file motion for partial summary judgment filed by petition Rochelle Waste Disposal, as follows:

1. The City has no objection to the motion for leave to file motion for partial summary judgment, nor to the proposed deadlines for responses to the proposed motion. The City is prepared to file its provisional response to the motion for partial summary judgment on December 10, 2007, in anticipation that the Board will, if it grants the motion for leave to file, take the motion for partial summary judgment with the case.

/s/ Alan H. Cooper  
ALAN H. COOPER  
Attorney for the City of Rochelle

ALAN H. COOPER  
Attorney at Law  
233 East Route 38, Suite 202  
P.O. Box 194  
Rochelle, IL 61068  
(815)562-2677

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**NOTICE OF FILING**

TO: See Attached Service List

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Illinois Pollution Control Board CITY'S RESPONSE TO MOTION FOR LEAVE TO FILE MOTION FOR PARTIAL SUMMARY JUDGMENT, on behalf of the City of Rochelle, as applicant, a copy of which is herewith served upon you.

/s/ Alan H. Cooper  
ALAN H. COOPER

Date: November 29, 2007

ALAN H. COOPER  
Attorney at Law  
233 East Route 38, Suite 202  
P.O. Box 194  
Rochelle, IL 61068  
(815)562-2677

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF OGLE        )

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing CITY'S RESPONSE TO MOTION FOR LEAVE TO FILE MOTION FOR PARTIAL SUMMARY JUDGMENT and notice of filing was served upon :

Mr. Bruce McKinney  
City Clerk  
420 N. 6<sup>th</sup> Street  
Rochelle, IL 61068

Mr. Donald J. Moran  
Pedersen & Houpt  
161 N. Clark Street  
Suite 3100  
Chicago, IL 60601

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

Mr. Charles F. Helsten  
Hinshaw & Culbertson  
100 Park Avenue  
Rockford, IL 61101

David L. Wentworth II  
Emily R. Vivian  
Hasselberg, Williams, Grebe,  
Snodgrass & Birdsall  
124 SW Adams, Suite 360  
Peoria, IL 61620

by electronic mail on the 29<sup>th</sup> day of November, 2007.

/s/ Alan H. Cooper  
ALAN H. COOPER

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Attorney at Law  
233 East Route 38, Suite 202  
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