BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS, INC.,,	}	
Petitioner,) PCB	No. 04-186
v,) (Pollution	Control Facility Siting
COUNTY BOARD OF KANKAKEE COUNTY, ILLINOIS,) Appeal)))	
Respondent.	}	

NOTICE OF FILING

TO: All Attorneys of Record

PLEASE TAKE NOTICE THAT on March 20, 2008, I electronically filed with the Illinois Pollution Control Board, Chicago, Illinois, the attached County Board of Kankakee County's Supplemental Response in Opposition to Waste Management of Illinois' Motion to Reconsider, a copy of which is herewith served upon you.

Illinois opposes Waste Management's Motion to Reconsider.

Dated: March 20, 2008 Respectfully submitted,

On behalf of County Board of Kankakee

County, Illinois

/s/ Charles F. Helsten

Charles F. Helsten One of Its Attorneys

Charles F. Helsten Hinshaw & Culbertson LLP 100 Park Avenue P.O. Box 1389 Rockford, IL 61105-1389 815-490-4900

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

WASTE MANAGEMENT OF ILLINOIS, INC.,	}
Petitioner,))) PCB No. 04-186
v.) (Pollution Control Facility Siting) Appeal)
COUNTY BOARD OF KANKAKEE COUNTY, ILLINOIS,))
Respondent.	}

COUNTY BOARD OF KANKAKEE COUNTY'S SUPPLEMENTAL RESPONSE IN OPPOSITION TO WASTE MANAGEMENT OF ILLINOIS' MOTION TO RECONSIDER

Respondent, County Board of Kankakee County, Illinois ("Kankakee County Board"), files this supplement to its previously tendered Response in Opposition to the Motion to Reconsider filed by Waste Management of Illinois, Inc. ("Waste Management"), stating as follows:

- 1. On March 5, 2008, Waste Management filed a Motion to Reconsider asserting that the Board incorrectly utilized the "manifest weight of the evidence" standard when it reviewed the decision by the local siting authority in this appeal, as a result of *Town & Country Utilities, Inc. v. Illinois Pollution Control Bd.*, 225 Ill.2d 103 (2007).
- On March 19, 2008, the Kankakee County Board filed a Response in Opposition to Waste Management's Motion to Reconsider.
- 3. Subsequent to the filing of its Response in Opposition, it has come to the attention of the Kankakee County Board that the Board previously considered and expressly rejected the argument presently being asserted by Waste Management in its Motion to Reconsider that the Board should not employ the "manifest weight of the evidence" standard when reviewing a local

siting authority's decision as a result of Town & Country. See Peoria Disposal Co. v. Peoria County Bd., PC B 06-184 at p.26 (June 21, 2007).

4. The Kankakee County Board accordingly supplements and reiterates its previously tendered response opposing the Motion to Reconsider by citing *Peoria Disposal Co.* v. *Peoria County Bd.*, PC B 06-184 at p.26 (June 21, 2007) as further support for the Board's correct application of the manifest weight of the evidence standard.

Dated:	March 20, 2008	Respectfully submitted,
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On behalf of County Board of Kankakee County, Illinois
/s/ Charles F. Helsten
Charles F. Helsten
One of Its Attorneys

Charles F. Helsten Hinshaw & Culbertson LLP 100 Park Avenue P.O. Box 1389 Rockford, IL 61105-1389 815-490-4900

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 March 20, 2008, a copy of the foregoing was served upon:

(Via Electronic Filing)	(Via E-Mail)
Mr. John T. Therriault	Jamie Boyd
Illinois Pollution Control Board	Brenda Gorski
100 W. Randolph, Suite 11-500	Kankakee County State's Attorney
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	Kankakee, IL 60901
(Via E-Mail)	(Via U.S. Mail)
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(Via E-Mail)	(Via U.S. Mail)
Karl Kruse	Bruce Clark
Kankakee County Board	Kankakee County Board
189 E. Court Street	189 E. Court Street
Kankakee, IL 60901	Kankakee, IL 60901

Via E-Mail or By depositing a copy thereof, enclosed in an envelope in the United States Mail at Rockford,, Illinois, proper postage prepaid, before the hour of 5:00 P.M., addressed as above.

/s/ Joan Lane	

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