

ILLINOIS POLLUTION CONTROL BOARD

December 22, 2003

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STATE OF ILLINOIS
Pollution Control Board

BYRON SANDBERG,

Petitioner,

v.

THE CITY OF KANKAKEE, ILLINOIS CITY)

COUNCIL, TOWN AND COUNTRY)

UTILITIES, INC., and KANKAKEE)

REGIONAL LANDFILL, L.L.C.,)

Respondents.)

PCB 04-33

(Third-Party Pollution Control Facility
Siting Appeal)

WASTE MANAGEMENT OF ILLINOIS,)
INC.,)

Petitioner,)

v.)

THE CITY OF KANKAKEE, ILLINOIS CITY)

COUNCIL, TOWN AND COUNTRY)

UTILITIES, INC., and KANKAKEE)

REGIONAL LANDFILL, L.L.C.,)

Respondents.)

PCB 04-34

(Third-Party Pollution Control Facility
Siting Appeal)

COUNTY OF KANKAKEE, ILLINOIS, and	)	
EDWARD D. SMITH, KANKAKEE	)	
COUNTY STATE'S ATTORNEY,	)	
	)	
Petitioners,	)	PCB 04-35
	)	(Third-Party Pollution Control Facility
v.	)	Siting Appeal)
	)	(Consolidated)
THE CITY OF KANKAKEE, ILLINOIS CITY)	)	
COUNCIL, TOWN AND COUNTRY	)	
UTILITIES, INC., and KANKAKEE	)	
REGIONAL LANDFILL, L.L.C.,	)	
	)	
Respondents.	)	

HEARING REPORT

On December 2, 2003, a hearing in this matter was held at City Hall, 385 E. Oak Street, Kankakee, Illinois. Attorneys Kenneth Leshen and L. Patrick Power appeared and participated on behalf of respondent City of Kankakee (City). Attorney George Mueller appeared and participated on behalf of respondents Town and Country Utilities, Inc., L.L.C. and Kankakee Regional Landfill, L.L.C.(Town and Country). Attorney Richard Porter appeared and participated on behalf of petitioners County of Kankakee, Illinois and Edward D. Smith, Kankakee County State's Attorney (County). Attorney Donald Moran appeared and participated on behalf of respondent Waste Management of Illinois, Inc. (Waste Management). Byron Sandberg, pro se petitioner, appeared and represented himself

Witness Credibility

Based upon my legal judgment, experience and observations at the hearing, I find that the credibility of the witnesses who testified at the hearing is not an issue in this matter.

Exhibits

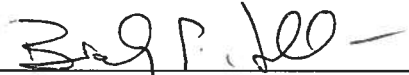
An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order.

Briefing Schedule

A briefing schedule was discussed and agreed to at the hearing. The petitioners opening post-hearing briefs are due to be filed on or before December 24, 2003. The respondents post-hearing briefs are due to be filed on or before January 9, 2004. Petitioners reply briefs, if any, are due to be filed on or before January 19, 2004. The mailbox rule does

not apply to the above briefing schedule. Public comment is due to be filed on or before December 29, 2003.

IT IS SO ORDERED.



Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

PCB 04-33; 04-34; 04-35
December 2, 2003, Hearing

Exhibit List

Exhibit	Description	Status
Petitioner County Exhibit 1	Findings of fact and conclusions of law of the City of Kankakee	Admitted
Petitioner County Exhibit 2	"Draft" of Findings of fact and conclusions of law of the City of Kankakee	Admitted
Petitioner County Exhibit 3	Letter and attachment of Ronald Yarbrough dated April 14, 2003	Admitted
Petitioner County Exhibit 4	Letter of Ronald Yarbrough dated May 1, 2003	Admitted
Petitioner County Exhibit 5	Letter of Ronald Yarbrough dated July 24, 2003	Admitted
Petitioner County Exhibit 6	Memorandum of Nancy Smithberg to Robert Boyd dated August 4, 2003 (w/o enclosures)	Admitted
Petitioner County Exhibit 7	Letter of Robert Boyd dated August 18, 2003	Admitted
Petitioner County Exhibit 8	"Marked-up" Findings of fact and conclusions of law of the City of Kankakee	Admitted
Petitioner County Exhibit 9	Affidavit of Sheila Donahoe w/ attachments	Admitted
Petitioner County Exhibit 10	Tax documents - 7 pages	Admitted
Petitioner County Exhibit 11	Memorandum to Richard Sims, dated May 2, 2003	Admitted
Petitioner County Exhibit 12	Copy of complaint for injunctive relief, no. 03-CH 166, file stamped June 1, 2003	Admitted
Petitioner County Exhibit 13	Copy of complaint for declaratory injunctive relief, file stamped November 26, 2002	Admitted
Petitioner County Exhibit 14	Deposition of Christopher Bohlen	Admitted
Petitioner County Exhibit 15	Deposition of Robert Boyd	Admitted
Petitioner County Exhibit 16	Deposition of Ronald Yarborough	Admitted
Petitioner County Exhibit 17	City's answers to interrogatories propounded by the County w/ attached interrogatories	Admitted
Petitioner County Exhibit 18	City's answers to Waste Management's interrogatories	Admitted

Petitioner County Exhibit 19	City's response to County's document request w/ attached document requests	Admitted
Petitioner County Exhibit 20	Town and County's response to County's document request w/ attached documents	Admitted
Petitioner County Exhibit 21	Town and Country's answers to Waste Management's interrogatories	Admitted
Petitioner County Group Exhibit 22	Entire record before the Board in PCB 03-31; 03-33; 3-35	Admitted
Petitioner County Exhibit 23	Deposition of Thomas Volini	Admitted
Petitioner County Exhibit 24	Stipulation of Anjanita Dumas	Admitted
Respondent Town and County Exhibit 1	2001 tax statement for parcel no. 13-16-23-400-001	Admitted
Hearing Officer Exhibit 1	Affidavit of Mark Frechette	Taken with case as public comment
Hearing Officer Exhibit 2	Affidavit of Denise Fogle	Taken with case as public comment
Hearing Officer Exhibit 3	Affidavit of Judith Skates	Taken with case as public comment
Hearing Officer Exhibit 4	Affidavit of Gary Bradshaw	Taken with case as public comment
Hearing Officer Exhibit 5	Affidavit of Ted Bradshaw	Taken with case as public comment
Hearing Officer Exhibit 6	Affidavit of Jay Bradshaw	Taken with case as public comment
Hearing Officer Exhibit 7	Affidavit of James Bradshaw	Taken with case as public comment
Hearing Officer Exhibit 8	Opening Statement of Byron Sandberg	Taken with case as public statement

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order was faxed and mailed, first class, to each of the following on December 22, 2003:

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Kankakee, IL 60901

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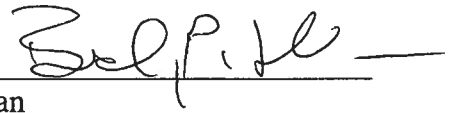
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Claire A. Manning
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Springfield, IL 62705

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on December 22, 2003:

Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink, appearing to read "B. P. Halloran", followed by a horizontal line.

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