

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	
)	PCB No. 11-50
The CITY OF MORRIS, an Illinois)	
municipal corporation, and)	(Enforcement-Land)
COMMUNITY LANDFILL COMPANY, INC.,)	
a dissolved Illinois corporation,)	
)	
)	
Respondents.)	

NOTICE OF FILING

PLEASE TAKE NOTICE that on August 28, 2020, Complainant filed its Motion to File Amended Complaint, Amended Complaint, and Motion to Voluntarily Dismiss Community Landfill Co., and Additional Appearance of AAG Steven Sylvester, copies of which are attached hereto and served upon you. You are hereby notified that you may be required to attend a hearing at a date set by the Board.

Failure to file an answer to the Amended Complaint within sixty (60) days may have severe consequences. Failure to answer will mean that all allegations in the Amended Complaint will be taken as admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Illinois Pollution Control Board Clerk's Office or an attorney.

PEOPLE OF THE STATE OF ILLINOIS
KWAME RAOUL
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos Litigation Division

ELIZABETH WALLACE, Chief
Environmental Bureau
Assistant Attorney General

BY: /s/ Christopher Grant
CHRISTOPHER GRANT
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CERTIFICATE OF SERVICE

I, Christopher Grant, an attorney, certify that I caused to be served a copy of Complainant's Motion to File Amended Complaint, Amended Complaint, Motion to Voluntarily Dismiss Respondent Community Landfill Co., and Notice of Filing, upon those persons listed below by electronic mail on August 28, 2020

Service List:

For City of Morris

Mr. Richard Porter

Rporter@hinshawlaw.com

Mr. Scott Belt

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For the Illinois Pollution Control Board

Brad.halloran@Illinois.gov

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MOTION TO FILE FIRST AMENDED COMPLAINT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to 735 ILCS 5/2-616 and 35 Ill. Adm. Code 101.100(b), moves the Board to file its First Amended Complaint. A copy of Complainant's proposed amended complaint is attached hereto as Exhibit 1. In support of its Motion, Complainant states as follows:

I. STANDARD FOR AMENDED PLEADINGS

Amendment of Board pleadings is governed by 35 Ill. Adm. Code 103.204. However, the Board, in its discretion, may look to guidance from the Code of Civil Procedure or the Illinois Supreme Court Rules.

Illinois courts are encouraged to freely and liberally allow amendment. *Luciano v. Waubensee Community College*, 245 Ill. App. 3d 1077, 1087 (2nd Dist. 1993); *Lee v. Chicago Transit Authority*, 152 Ill. 2d 432, 467 (1992). Amendments may be allowed before final judgment so long as they are on just and reasonable terms. *Loyola Academy v. S&S Roof Maintenance, Inc.*, 146 Ill. 2d 263, 273 (1992). The primary consideration is whether the amendment would further the interests of justice. *Bresland v. Ideal Roller & Graphics*

Company, 150 Ill. App. 3d 445,450 (1st Dist. 1986). Based on the changes in facts since the filing of the original complaint, amendment of this case to add additional violations and update existing violations will further the interests of justice.

II. PROPOSED AMENDMENT

The present Complaint contains four counts, all related to the alleged failure to perform regular groundwater testing at the Morris Community Landfill (“Landfill”). The proposed Amended Complaint retains these violations (Counts IV through VII), but updates alleged facts to reflect some additional groundwater testing performed by the City of Morris (“Morris”), although such testing was incomplete and not in compliance with the respective Landfill permits for Parcel A and Parcel B.

In addition, the Amended Complaint contains additional allegations of ongoing violations at the Landfill. The Board is aware, through its review and decision denying the City of Morris’s February 20, 2020 Motion to Dismiss, that Illinois EPA issued a Violation Notice to Morris in 2013 containing additional Landfill violations (*see*: Complainant’s Response to Motion to Dismiss, March 9, 2020). Complainant’s Amended Complaint incorporates these new violations, which include failure to complete closure of Parcel B of the Landfill (Count I) and failure to initiate and complete closure of Parcel A of the Landfill (Count II), as well as other operating and reporting violations. By separate Motion, Complainant also seeks to dismiss Respondent Community Landfill Company (“CLC”) as a Respondent. As shown by the Amended Complaint, CLC has been a dissolved corporation since 2010. It has not been present at the Landfill since 2010, and apparently has no right to access, even if it remained a viable entity. In the 2013 Violation Notice, no violations were included against CLC at the Landfill. The Amended Complaint only alleges violations against Morris, the owner of the Landfill, and,

as alleged, the operator of the Landfill since 2010. Accordingly, allowing the Amended Complaint will streamline this matter and result in a reasonable resolution of the alleged violations.

III. THE AMENDMENT WOULD FURTHER THE INTEREST OF JUSTICE.

Morris cannot claim surprise or prejudice from Amendment of the Complaint. Since 2013, Morris and Complainant have engaged in extensive discussions, including several technical discussions between environmental engineers and consultants, to attempt an agreed resolution of the alleged violations at the Landfill. The parties have been unable to reach an agreement however, and Morris is well aware of Complainant's intention to pursue enforcement of the violations before the Board or the Court. Amendment of the current matter to include the new violations will further the interests of justice by providing a forum for resolution of all the deviations from the requirements of the Act and Board regulations at the Landfill in one Board matter.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board court grant this Motion, and allow Complainant to file its First Amended Complaint.

RESPECTFULLY SUBMITTED

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL,
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

ELIZABETH WALLACE, Chief
Environmental Bureau North

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MOTION TO FILE FIRST AMENDED COMPLAINT

EXHIBIT I

FIRST AMENDED COMPLAINT

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
vs.)	PCB No. 11-50
)	
THE CITY OF MORRIS,)	(Enforcement – Land)
an Illinois municipal corporation,)	
)	
Respondent.)	

FIRST AMENDED COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of the Respondent, THE CITY OF MORRIS, as follows:

COUNT I
FAILURE TO COMPLETE CLOSURE OF PARCEL B

1. This Amended Complaint is brought by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”) pursuant to the terms and provisions of Sections 42(d) and (e) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42(d) and (e) (2018).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415, ILCS 5/4 (2018), and is charged, inter alia, with the duty of enforcing the Act.

3. Respondent, CITY OF MORRIS (“Morris”), is an Illinois municipal corporation, organized and operating according to the laws of the State of Illinois, and located in Grundy County, Illinois.

4. Morris is the owner and operator of the Morris Community Landfill (“Landfill”), an Illinois EPA-permitted municipal solid waste landfill located at 1501 Ashley Road, Morris, Grundy County, Illinois. Morris is also the owner of land on which the Landfill is located.

5. The Landfill is approximately 119 acres in area and is divided into two separately permitted municipal solid waste units: ‘Parcel A’, consisting of approximately 55 acres, accepted waste until at least June 16, 2010; and, ‘Parcel B’, consisting of approximately 64 acres, accepted municipal solid waste (“MSW”) until 1998.

6. From at least 1970 until at least 1982, Morris both owned the Landfill and was responsible for the day-to-day operations at the Landfill.

7. Morris commenced waste disposal operations at the Landfill in 1970. From 1970 until at least 1982, Morris disposed of MSW, consisting of garbage and other putrescible waste, household waste, commercial solid waste, and other discarded material, within the Landfill.

8. In 1982, Morris entered into a lease agreement with Community Landfill Company (“CLC”), a now-dissolved Illinois corporation. Pursuant to the lease agreement, Morris retained ownership of the Landfill, and CLC took over operation of the Landfill.

9. Under the lease agreement with Morris, CLC paid royalties to Morris based on the amount of waste CLC received for disposal in the Landfill. In addition, the lease provided that Morris could dispose of the City’s municipal solid waste, commercial solid waste, and other debris in the Landfill for no tipping fee.

10. Upon taking over as operator, CLC continued waste disposal operations at the Landfill. In addition to the waste disposed by Morris pursuant to the lease, waste disposed by CLC included garbage and other putrescible waste, household waste, commercial waste, bricks, masonry and construction/demolition debris, “special waste”, including petroleum contaminated

soil, and other discarded material.

11. Beginning on July 1, 1970, owners and operators of Illinois MSW landfills were, and are, required to apply for and obtain Illinois EPA-issued permits before commencing waste disposal operations, and are required to maintain such permits until at least 30 years after closure of a landfill.

12. Pursuant to Sections 807.201 and 807.202 of the Illinois Pollution Control Board (“Board”) regulations, 35 Ill. Adm. Code Sections 807.201 and 807.202, and Sections 39(a) and 21(d) of the Act, 415 ILCS 5/39(a) and 5/21(d) (2018), the development, operation, closure, and post-closure maintenance of Parcel A and Parcel B of the Landfill require permits issued by the Illinois EPA, Bureau of Land Pollution Control. Necessary permits include development permits, operating permits, significant modification permits, and other municipal solid waste and special waste permits.

13. As owner and/or operator of the Landfill, Morris was, and is, required to apply for and obtain Illinois EPA development and operating permits for both Parcel A and Parcel B.

14. In 1974, Morris applied for and obtained its first Illinois EPA Bureau of Land permit as owner and operator of the Landfill.

15. Prior to 1982, Illinois EPA granted the following permits to Morris as ‘owner and operator’ of the Landfill:

1974: Permits No. 1974-22-DE and 1974-22-OP

1978: Supplemental Permit No. 78-1148

1980: Supplemental Permit No. 1980-160

16. On July 20, 1982, CLC became the permitted ‘operator’ of the Landfill through Illinois EPA’s issuance of Permit No. 1974-022-OP. However, Morris remained the “owner” of

the Landfill, and continued to apply for and obtain Illinois EPA Permits for the Landfill as “owner” of the Landfill.

17. Beginning in 1982, and continuing to the date of filing this Amended Complaint, Morris has applied for and obtained at least forty-nine (49) Illinois EPA Bureau of Land permits as either “owner” or “owner and operator” of the Landfill.

18. As owner and/or operator of the Landfill, Morris was also required to obtain water pollution control permits from the Illinois EPA, Bureau of Water, for the discharge of wastewater and stormwater from the landfill.

19. Between 1991 and the date of filing this Amended Complaint, Morris applied for and obtained at least three (3) Illinois EPA Bureau of Water permits as “owner” of the Landfill.

20. Between October 5, 1999 and the date of filing this Amended Complaint, Morris and CLC filed six (6) cases against the Illinois EPA before the Board. Morris filed cases number PCB 00-65 and PCB 00-66 on October 15, 1999; case number PCB 00-118 on January 12, 2000; cases number PCB 01-48 and PCB 01-49 on September 7, 2000; and case number PCB 01-170 on August 16, 2001. In each matter, Morris and CLC challenged conditions of the Landfill operating permits issued by the Illinois EPA. In each of the six Board cases, Morris identified itself as the “permitted owner of the Morris Community Landfill.” Morris and CLC appealed the decision in PCB 01-170 to the Appellate Court, Third District. In the case *Community Landfill Company and City of Morris v. Pollution Control Board*, 331 Ill. App. 3d 1056 (3rd Dist. 2002), the Court stated that “Community Landfill Company is the operator of a landfill located in Morris, Illinois. The landfill is owned by the City of Morris.” 331 Ill. App. 3d 1056.

21. On August 4, 2000, and pursuant to an application submitted by Morris and CLC, the Illinois EPA issued Significant Modification Permit No. 2000-155-LFM to Morris as owner

of Parcel A of the Landfill, and to CLC as operator of Parcel A of the Landfill (“2000 Parcel A Permit”). The 2000 Parcel A Permit allowed continued operation of Parcel A, conditioned on, *inter alia*, first obtaining a separate operating permit for each disposal cell and providing Illinois EPA with financial assurance for closure and post-closure care of Parcel A in accordance with 35 Ill. Adm. Code 811.700(b).

22. On August 4, 2000, and pursuant to an application submitted by Morris and CLC, the Illinois EPA also issued Significant Modification Permit No. 2000-156-LFM to Morris as owner of Parcel B of the Landfill, and to CLC as operator of Parcel B of the Landfill (“2000 Parcel B Permit”). The 2000 Parcel B Permit prohibited additional waste disposal in Parcel B, and required the closure of Parcel B in accordance with enumerated permit conditions and applicable federal and Board regulations. The 2000 Parcel B Permit also required that financial assurance for closure and post-closure be provided to Illinois EPA in accordance with 35 Ill. Adm. Code 811.700(b).

23. On May 11, 2001, Illinois EPA denied an application submitted by Morris and CLC for an operating permit for a disposal cell in Parcel A. From at least May 11, 2001 to the date of filing this Amended Complaint, no permit has been issued by Illinois EPA for operation of any disposal cell in Parcel A, or allowing the dumping of waste in Parcel A.

24. Pursuant to the Act and Board regulations, financial assurance must be provided to Illinois EPA, in an amount approved by Illinois EPA, to cover closure and post-closure care costs for the Landfill.

25. On April 16, 2003, the State of Illinois filed an environmental enforcement action against Morris and CLC before the Board in Case No. PCB 2003-191. In its one-count complaint, the State alleged that Morris and CLC, jointly and severally, violated 415 ILCS

5/21(d)(2) and 35 Ill. Adm. Code Sections 811.700(f) and 811.712(b). All of the alleged violations related to Morris's and CLC's failure to provide closure and post closure financial assurance for the Landfill.

26. On February 15, 2006, the Board granted summary judgment in favor of the State and against Morris and CLC, jointly and severally, on all alleged violations in case No. PCB 2003-191. In its Order, the Board found that, although it did not conduct day-to-day waste disposal operations, its overall involvement in treating leachate, providing financial assurance, and joint litigation activities with CLC meant that Morris, along with CLC, was an 'operator' of the Landfill, and therefore "conducted waste disposal operations" without financial assurance in violation of the Act and regulations. The Board directed the parties to hearing on the appropriate remedy.

27. On September 10, 11, and 12, 2006, the Board held a hearing on remedy in Morris Illinois.

28. On June 18, 2009, the Board issued its Opinion and Order in case No. PCB 2003-191. The Board found continuing violations of the Act and financial assurance regulations from 2000 to the date of the June 18, 2009 Opinion and Order. The Board Opinion and Order directed Morris and CLC to provide financial assurance and assessed civil penalties against the Respondents.

29. On both February 15, 2006, when the Board granted summary judgment, and on June 18, 2009, when the Board issued its final Opinion and Order in case No. PCB 2003-191, CLC was still operating and maintaining the Landfill and was the permitted operator of the Landfill listed in Illinois EPA permits.

30. On August 5, 2011, the Third District Appellate Court issued an opinion

confirming in part and setting aside in part the Board's June 18, 2009 final Opinion and Order in case No. PCB 2003-191. Specifically, the Court found that because Morris was not involved in day-to-day operations of the Landfill it did not "conduct waste disposal operations" and was therefore not responsible to provide financial assurance for closure/post-closure of the Landfill under the law in place at the time. Accordingly, the Court set aside the Board's Order directing Morris to provide financial assurance and assessing a civil penalty against Morris. 2011 IL App (3d) 090847.

31. On August 2, 2012, the Illinois General Assembly amended the provisions of the Act which require closure and post-closure financial assurance for landfills (P.A. 97-887, effective August 2, 2012). Section 21.1 of the Act, 415 ILCS 5/21.1 (2018), now provides, in pertinent part, as follows:

(a.5) On or after the effective date established by the United States Environmental Protection Agency for MSWLF units to provide financial assurance under Subtitle D of the Resource Conservation and Recovery Act, no person, other than the State of Illinois, its agencies and institutions, shall own or operate an MSWLF unit that requires a permit under subsection (d) of Section 21 of this Act, unless the person has posted with the agency a performance bond or other security for the purposes of:

- (1.) insuring closure of the site and post-closure care in accordance with this Act and its rules; and
- (2.) insuring completion of a corrective action remedy....

32. On May 14, 2010, CLC was involuntarily dissolved by the Illinois Secretary of State.

33. On or about July 1, 2010, the lease agreement between Morris and CLC terminated and CLC no longer operated or maintained the Landfill.

34. From on or about July 1, 2010, Morris has stored and/or abandoned waste that has

been disposed at the Landfill.

35. Section 810.103 of the Illinois Pollution Control Board (“Board”) Waste Disposal regulations, 35 Ill. Adm. Code 810.103, provides, in pertinent part, as follow:

Section 810.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part will be the same as that applied to the same words or terms in the Environmental Protection Act (Act) [415 ILCS 5]:

* * *

“Operator” means the person responsible for the operation and maintenance of a solid waste disposal facility.

* * *

“Owner” means a person who has an interest, directly or indirectly, in land, including a leasehold interest, on which a person operates and maintains a solid waste disposal facility. The “owner” is the “operator” if there is no other person who is operating and maintaining a solid waste disposal facility.

* * *

36. Since at least 1970, Morris has owned, and continues to own, the land underlying the Landfill and is therefore the “owner” of the Landfill, as that term is defined in Section 810.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 810.103. Morris, as owner of the Landfill, has filed a Petition for Review of an Illinois Pollution Control Board decision with the Third District. *Community Landfill Company and City of Morris v. Pollution Control Board*, 331 Ill. App. 3d 1056 (3rd Dist. 2002). In this case, the Third District noted Morris was the owner of the Landfill.

37. Since at least July 1, 2010, Morris has been solely responsible for operation of the Landfill and performance of maintenance at the Landfill. Morris’ maintenance and upkeep has included maintaining offices at the Landfill, and securing the Landfill against trespassers.

38. In addition to Landfill maintenance, Morris has continued to collect leachate from the Landfill for treatment at the Morris wastewater treatment plant.

39. As “owner” of the Landfill, Morris became the “operator” of the Landfill on or about July 1, 2010, when CLC ceased operating and maintaining the Landfill. From July 1, 2010 to the date of filing this Amended Complaint, Morris has been both “owner” and “operator” of the Landfill pursuant to 35 Ill. Adm. Code 810.103.

40. As of the date of filing this Amended Complaint, neither Parcel A nor Parcel B of the Landfill have been closed in accordance with the requirements of the Act, Board regulations, or the Landfill’s Illinois EPA-issued permits.

41. Section 3.315 of the Act, 415 ILCS 5/3.315 (2018), provides, as follows:

“PERSON” is an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

42. Respondent Morris, a political subdivision, is a “person” as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

43. Section 3.285 of the Act, 415 ILCS 5/3.285 (2018), provides, in pertinent part, as follows:

“Municipal Solid Waste Landfill Unit” or “MSWLF unit” means a contiguous area of land or an excavation that receives household waste....A MSWLF unit may also receive other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion. A sanitary landfill is subject to regulation as a MSWLF unit if it receives household waste.....

44. Because Parcels A and B accepted MSW consisting of, *inter alia*, household waste, commercial solid waste, industrial solid waste, and other discarded material, the Landfill, and Parcels A and B of the Landfill, are “MSWLF unit[s]” as that term is defined in Section

3.285 of the Act, 415 ILCS 5/3.285.

45. Section 21(d) and (e) of the Act, 415 ILCS 5/21(d) and (e) (2018), provides, in pertinent part, as follows:

No person shall:

* * *

d. Conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. Without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and the regulations and standards adopted thereunder...
2. in violation of any regulations or standards adopted by the Board under this Act;

* * *

e. Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage, or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

46. Section 3.535 of the Act, 415 ILCS 5/3.535 (2018), provides, in pertinent part, as follows:

“WASTE” means any garbage...or any other discarded material, including any solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities....

47. Section 3.385 of the Act, 415 ILCS 5/3.385 (2018), provides, as follows:

“REFUSE” means waste.

48. The municipal solid waste and special waste disposed of at the Landfill is “garbage” and “discarded material”, and therefore “waste” as that term is defined by Section 3.535 of the Act, 415 ILCS 5/3.535 (2018), and therefore also “refuse” as that term is defined by Section 3.385 of the Act, 415 ILCS 5/3.385 (2018).

49. Pursuant to Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018), from July 1, 1970, to the date of filing this Amended Complaint, Parcels A and B of the Landfill, were, and are, required to be covered by Illinois EPA waste disposal permits.

50. Section 810.101 of the Board Waste Disposal regulations, 35 Ill. Adm. Code 810.101, provides as follows:

Section 810.101 Scope and Applicability

This Part applies to all solid waste disposal facilities regulated pursuant to 35 Ill. Adm. Code 811 through 817. This Part does not apply to hazardous waste management facilities regulated pursuant to 35 Ill. Adm. Code 700 through 750.

51. Section 810.103 of the Board Waste Disposal regulations, 35 Ill. Adm. Code 810.103, provides, in pertinent part, as follow:

Section 810.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part will be the same as that applied to the same words or terms in the Environmental Protection Act (Act) [415 ILCS 5]:

* * *

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water or into any well such that solid waste or any constituent of the solid waste may enter the environment by being emitted into the air or discharged into any waters, including groundwater. [415 ILCS 5/3.185] If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation will constitute disposal

* * *

“Facility” means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage, or disposal operation. All structures used in connection with or to facilitate the waste disposal operation will be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste disposal units, buildings, treatment systems, processing and storage operations, and monitoring stations.

* * *

Municipal solid waste landfill unit" or "MSWLF unit" means a discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or waste pile. A MSWLF unit also may receive other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, very small quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned...

* * *

“Putrescible waste” means a solid waste that contains organic matter capable of being decomposed by microorganisms so as to cause a malodor, gases, or other offensive conditions, or which is capable of providing food for birds and vectors. Putrescible wastes may form a contaminated leachate from microbiological degradation, chemical processes, and physical processes. Putrescible waste includes, but is not limited to, garbage, offal, dead animals, general household waste, and commercial waste. All solid wastes that do not meet the definition of inert or chemical wastes will be considered putrescible wastes.

* * *

“Solid Waste” means a waste that is defined in this Section as an inert waste, as a putrescible waste, as a chemical waste or as a special waste, and which is not also defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.

52. The garbage, commercial waste, construction/demolition debris, and household waste disposed of at the Landfill is “putrescible waste” as that term is defined in Section 810.103 of the Board Waste Disposal regulations, 35 Ill. Adm. Code 810.103.

53. The putrescible waste and special waste disposed of at the Landfill is “solid waste” as that term is defined in Section 811.103 of the Board Waste Disposal regulations, 35 Ill. Adm. Code 811.103.

54. The Landfill is a “permitted waste disposal facility” as that term is used in Section 811.700 of the Board Waste Disposal regulations, 35 Ill. Adm. Code 811.700.

55. The Landfill is a “solid waste disposal facility” as that term is used in Section 810.101 of the Board Waste Disposal regulations, 35 Ill. Adm. Code 810.101.

56. The Landfill, and Parcels A and B of the Landfill, are “MSWLF” units as that

term is defined in Section 810.103 of the Board Waste Disposal regulations, 35 Ill. Adm. Code 810.103

57. Morris owns the Landfill, as well as the land on which the Landfill is situated. Morris is the “owner” of the Landfill, as that term is defined in Section 810.103 of the Board Waste Disposal regulations, 35 Ill. Adm. Code 810.103.

58. Since July 1, 2010, Morris has been solely responsible for operation and maintenance of the Landfill. From July 1, 2010 to the date of filing this Amended Complaint, Morris has also been “operator” of the Landfill, and Parcels A and B of the Landfill, as that term is defined and used in Section 810.103 of the Board Waste Disposal regulations, 35 Ill. Adm. Code 810.103.

59. Once a landfill reaches capacity at the end of its operating life, Federal and Illinois regulations require that it must be permanently closed, that is to undergo “closure”.

60. Landfill “closure” involves a number of engineering, construction, and maintenance tasks intended to permanently contain the waste disposed in a landfill, manage wastewater, or leachate, generated in a landfill, and control gas generated in a landfill, so as to protect the surrounding environment and population from exposure to solid, liquid, and gaseous waste and waste degradation by-products in the formerly-active landfill.

61. Water and other liquids flowing through waste deposited in a landfill pick up contamination from the waste and the resultant contaminated liquid is known as “leachate”. Without effective collection and control, landfill leachate will breach the clay liner installed at the base of a landfill and migrate into groundwater below and in the vicinity of a landfill. The leachate will render the affected groundwater unsuitable for drinking and other potable uses, or for agricultural use. Uncontrolled leachate can also escape a landfill and contaminate adjacent

rivers, streams, and other surface waters.

62. To avoid contamination of groundwater and surface waters, landfills must install and operate an effective leachate collection system within the waste disposal area of the landfill.

63. Closure of a landfill unit requires the continued operation and maintenance of the leachate collection system and leachate disposal system.

64. Municipal solid waste breaks down inside of landfills to form various degradation products. Included in these waste degradation products are mixtures of volatile compounds, including hydrogen sulfide, mercaptans, reduced sulfur compounds, methane, and carbon dioxide (collectively "landfill gas").

65. Hydrogen sulfide, a component of landfill gas, has an odor commonly described as an offensive 'rotten egg' odor, and is detectible to humans at concentrations as low as 1 part per billion in air. The United States Occupational Safety and Health Administration ("OSHA") considers hydrogen sulfide to be an "extremely hazardous gas".

66. Unless carefully controlled, landfill gas can be emitted into the environment and threaten or cause harm to the public health, safety, property values, and the welfare of persons in the surrounding area. According to the United States Department of Health & Human Services, exposure to landfill gas may result in nausea, headaches, and an increase in asthmatic reactions. Landfill gas and its component compounds may migrate off a landfill site, creating a serious odor nuisance and interfering with the enjoyment of life and property in the vicinity of a landfill.

67. Closure of a landfill unit requires operation and maintenance of a landfill gas collection and control system to permanently eliminate the threat of uncontrolled landfill gas emissions to the atmosphere in the vicinity of local residents.

68. Closure of a landfill unit also requires installation of a landfill "Cap" or "Final

cover”. Final cover is meant to permanently seal the top of a landfill so as to protect the environment and population in the vicinity of a landfill. Final cover consists of a combination of a thick layer of compacted clay, geo-membrane, and vegetated soil cover installed over the entire surface of a landfill unit after the landfill’s final contours and slopes have been constructed. Final cover is necessary to reduce infiltration of water into the landfill’s waste, thereby reducing the amount of water entering the landfill, and leachate generated, after the landfill is closed. Final cover also acts as an effective barrier against landfill gas migration to the atmosphere. Finally, Final cover acts as a barrier against waste being uncovered through erosion and exposed to the environment, creating a litter nuisance outside of the landfill boundary.

69. In accordance with the Landfill’s permits and Board regulations, the closure plans and final certification of landfill closures must be approved by the Illinois EPA.

70. On May 8, 2000, Morris and then-operator CLC jointly applied for Permit No. 2000-156-LFM. In their application, Morris and CLC advised the Illinois EPA that waste acceptance had ended in Parcel B of the Landfill, and that they were initiating closure of Parcel B in accordance with the Illinois EPA-approved closure plan.

71. Morris and CLC initiated closure of Parcel B on or about August 4, 2000, after Illinois EPA issued Permit No 2000-156-LFM for Parcel B which prohibited additional waste disposal and required immediate closure.

72. Morris and CLC performed an initial closure task for Parcel B by evaluating the soil cover and by submitting a report of its evaluation to Illinois EPA on or about November 4, 2000. However, Morris and CLC stopped performing closure activities on Parcel B soon thereafter and have not completed closure. Neither Morris nor CLC has provided an affidavit by an engineer that closure has been completed, and Illinois EPA has not issued a certification of

closure of Parcel B.

73. Section 811.110 of the Board's Waste Disposal regulations, 35 Ill. Adm. Code 811.110, provides, in pertinent part, as follows:

Section 811.110 Closure and Written Closure Plan

* * *

- e) The owner or operator of a MSWLF unit shall begin closure activities for each MSWLF unit no later than the date determined as follows:
 - 1) 30 days after the date on which the MSWLF unit receives the final receipt of wastes.....

* * *

- f) The owner or operator of a MSWLF unit shall complete closure activities for each unit in accordance with the closure plan no later than the dates determined as follows:
 - 1) Within 180 days of beginning closure, as specified in subsection (e) of this Section.

74. Section 807.508 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 807.508, provides, as follows:

Section 807.508 Certification of Closure

- a) When closure is completed, the operator of a waste management site shall submit to the Agency:
 - 1) Plan sheets for the closed site; and
 - 2) An affidavit by the operator and by a professional engineer that the site has been closed in accordance with the closure plan.
- b) If the Agency finds that the site has been closed in accordance with the specifications of the closure plan, and the closure requirements of this Part, the Agency shall:
 - 1) Issue a certificate of closure for the site;

- 2) Notify the operator in writing that any applicable post-closure period has begun; and
- 3) Provide the date the post-closure care period begins.

75. Morris and CLC commenced closure of Parcel B on or about August 4, 2000, and completed an initial closure activity by November 4, 2000. Accordingly, completion of closure of Parcel B was due within 180 days of August 4, 2000, or no later than January 31, 2001.

76. CLC has been a dissolved corporation since May 14, 2010. Since on or near the date of dissolution, CLC is no longer operating the landfill. The lease agreement between CLC and Morris has expired, and therefore even if CLC was still in existence it would have no legal access to the landfill to complete closure. Accordingly, as owner of the Landfill, and in accordance with 35 Ill. Adm. Code 811.110(f), Morris is required to complete closure. However, Morris has failed to take any action to complete closure of either Parcel B or Parcel A of the Landfill.

77. Morris's failure to complete closure of Parcel B greatly increases the risk of leachate contamination of groundwater and surface water, increases the risk of landfill gas emissions creating an odor nuisance and potentially adverse health impacts, and creates a likelihood of the future exposure of waste deposited in Parcel B being blown into areas outside the Landfill causing litter.

78. By failing to complete closure of Parcel B at any time from August 4, 2000 to the date of filing this Amended Complaint, Morris has violated Section 811.110(f) of the Board Waste Disposal regulations, 35 Ill. Adm. Code 811.110(f), and thereby also violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2018).

79. By failing to complete closure of Parcel B at any time from August 4, 2000 to the date of filing this Amended Complaint, Morris has been disposing, storing, and/or abandoning

waste at a site that fails to meet the requirements of the Act and of regulations and standards thereunder, and therefore Morris has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count I:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 21(d)(2) and (e) of the Act, and 35 Ill. Adm. Code 811.110(f);
3. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(2) and (e) of the Act, and 35 Ill. Adm. Code 811.110(f);
4. Ordering the Respondent to complete closure of Parcel B of the Landfill, in compliance with an Illinois EPA-approved closure plan, no later than 180 days from the date of the Board's Order;
5. Ordering the Respondent to take all steps necessary to obtain a certificate of closure for Parcel B from the Illinois EPA;
6. Assessing against the Respondent a civil penalty not to exceed \$50,000.00 for each violation of Section 21(d)(2) and (e), and 35 Ill. Adm. Code 811.110(f), and an additional civil penalty not to exceed \$10,000.00 for each day the violations continued;
7. Ordering the Respondent pursuant to Section 42(f) of the Act, to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Complainant in its pursuit of this action; and
8. Granting such other relief as the Board deems appropriate and just.

COUNT II
FAILURE TO INITIATE AND COMPLETE CLOSURE OF PARCEL A

1-71. Complainant realleges and incorporates by reference herein paragraphs 1 through 69, paragraph 73, and paragraph 76, of Count I, as paragraphs 1 through 71 of this Count II.

72. On August 4, 2000, Illinois EPA approved the closure plan for Parcel A through issuance of Permit No. 2000-155-LFM to Morris and then-operator CLC.

73. From at least May 11, 2001 to the date of filing this Amended Complaint, no permit has been issued by Illinois EPA for operation of a disposal cell in Parcel A. Accordingly, no waste disposal was allowed in Parcel A since May 11, 2001.

74. Despite the absence of an operating permit for Parcel A, Morris and then-operator CLC continued to cause and allow waste disposal in Parcel A after May 11, 2001.

75. On June 18, 2009, the Board issued a final order in *People v. Community Landfill Co. and the City of Morris*, PCB 2003-191. In its final order, the Board ordered CLC and Morris to cease and desist from the disposal of waste in both Parcel A and Parcel B of the Landfill. The Board's June 18, 2009 order prohibiting waste disposal at the Landfill has not been amended or altered since entry and is in full force and effect.

76. As of the date of filing of this Amended Complaint, neither Morris nor former operator CLC have initiated closure of Parcel A, or provided notification to Illinois EPA that either party is initiating closure of Parcel A in accordance with the Illinois EPA-approved closure plan.

77. As of the date of filing this Amended Complaint, neither Morris nor CLC have provided an affidavit by an engineer that closure of Parcel A has been completed.

78. Illinois EPA has not issued a certification of closure of Parcel A.

79. Respondent Morris, as owner of the Landfill from 1970 to present, and as operator of the Landfill from 1970 until at least July 20, 1982 and from since at least July 1, 2010, until the filing of this Amended Complaint, was obligated under Section 811.110(e) of the Board's Waste Disposal regulations, 35 Ill. Adm. Code 811.110(e), to initiate closure of Parcel A in accordance with the approved closure plan within 30 days of the date of last receipt of waste in Parcel A. Pursuant to the Board's Order, the last receipt of waste could have been no later than June 18, 2009. Accordingly, Morris was obligated to initiate closure no later than July 18, 2009.

80. Morris's failure to initiate and complete closure of Parcel A greatly increases the risk of leachate contamination of groundwater and surface water, increases the risk of landfill gas emissions creating an odor nuisance and potentially adverse health impacts, and creates a likelihood of the future exposure of waste deposited in Parcel A being blown into areas outside the Landfill, causing litter.

81. By failing to initiate closure of Parcel A at any time, Morris has violated Section 811.110(e) of the Board Waste Disposal regulations, 35 Ill. Adm. Code 811.110(e), and thereby also violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2018)..

82. Respondent Morris was obligated under Section 811.110(f) of the Board Waste Disposal regulations, 35 Ill. Adm. Code 811.110(f), to complete closure of Parcel A within 180 days of initiating closure. By application of 35 Ill. Adm. Code 811.110(e), this date should have been 210 days from the date of last receipt of waste in Parcel A. Based on the Board's June 18, 2009 Order, Morris was obligated to complete closure of Parcel A no later than January 14, 2010.

83. By failing to complete closure of Parcel A on or after January 14, 2010, Morris has violated Section 811.110(f) of the Board Waste Disposal regulations, 35 Ill. Adm. Code 811.110(f), and thereby also violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2018). The violations continue through the date of filing this Amended Complaint.

84. By failing to complete closure of Parcel A on or after January 14, 2010, Morris has been disposing, storing, and/or abandoning waste at a site that fails to meet the requirements of the Act and of regulations and standards thereunder, and therefore Morris has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018). The violations continue through the date of filing this Amended Complaint.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count II:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 21(d)(2) and (e) of the Act, and 35 Ill. Adm. Code Sections 811.110(e) and 811.110(f);
3. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(2) and (e) of the Act, and 35 Ill. Adm. Code Sections 811.110(e) and 811.110(f);
4. Ordering the Respondent to commence closure of Parcel A of the Landfill, in compliance with an Illinois EPA-approved closure plan, no later than 60 days from the date of the Board's Order;
5. Ordering the Respondent to close Parcel A of the Landfill within the time required under a closure plan approved by the Illinois EPA;

6. Assessing against the Respondent a civil penalty not to exceed \$50,000.00 for each violation of Section 21(d)(2) and (e) of the Act, and 35 Ill. Adm. Code Sections 811.110(e) and 811.110(f), and an additional civil penalty not to exceed \$10,000.00 for each day the violations continued;

7. Ordering the Respondent pursuant to Section 42(f) of the Act, to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Complainant in its pursuit of this action; and

8. Granting such other relief as the Board deems appropriate and just.

COUNT III
FAILURE TO INSTALL FINAL COVER

1-57. Complainant realleges and incorporates by reference herein paragraphs 1 through 36, paragraphs 41 through 42, paragraphs 45 through 48, and paragraphs 54 through 68, of Count I, as paragraphs 1 through 57 of this Count III.

58. On May 23, 2013, an Illinois EPA inspector performed a compliance inspection of the Landfill. The inspector observed that the Landfill office was occupied by the Morris Department of Public Works, and observed a Morris employee pumping landfill leachate for treatment.

59. On May 23, 2013, the inspector observed that waste disposal in Parcel A had ceased, and Parcel A was largely covered by weeds and other established vegetation. On information and belief, waste disposal in Parcel A had ended on or soon after June 16, 2010. However, installation of final cover had neither been initiated nor completed over the accumulated waste in Parcel A.

60. On July 5, 2019, an Illinois EPA inspector observed that conditions at Parcel A had not substantially changed since the May 23, 2013 inspection, and final cover had not been

installed on the accumulated waste in Parcel A.

61. As admitted by Morris and CLC in the application for their August 4, 2000 permit disposal of municipal solid waste in Parcel B had ceased prior to August 4, 2000. However, as of July 5, 2019, Parcel B had not been graded or sloped to the contours necessary for installation of final protective cover, and installation of final cover had neither been initiated nor completed on Parcel B.

62. On May 23, 2013 the inspector also observed that the intermediate soil cover installed over waste on Parcel B had eroded in several locations to a depth of 18 inches below ground surface. Weeds and other vegetation had grown over most of the daily and intermediate cover on Parcel B. Scrub brush and trees had grown in areas indicating that tree roots could be growing into the accumulated waste in Parcel B.

63. “Daily cover” and “Intermediate cover” consist of shallow and limited amounts of uncompressed soil placed on top of waste deposited in a landfill prior to the installation of final cover. Daily and Intermediate cover are permeable and allow migration of water and other liquids into a landfill, resulting in increased leachate production and an increased risk of groundwater contamination. Daily and Intermediate cover also are insufficient as a barrier to prevent migration of landfill gas to the atmosphere. Because of their limited depth and lack of engineered compressed layers, daily and intermediate cover are subject to erosion which will expose the disposed waste to the atmosphere.

64. On July 5, 2019, the Illinois EPA inspector observed continued erosion of the intermediate cover over both Parcel A and Parcel B of the Landfill.

65. Section 21(o) of the Act, 415 ILCS 5/21(o) (2018), provides, in pertinent part, as follows:

No Person Shall:

* * *

- (o) Conduct a sanitary landfill operation which is required to have a Permit under subsection (d) of this Section, in a manner which results in any of the following conditions:

* * *

6. failure to provide final cover within time limits established by Board regulations.

* * *

66. Section 3.445 of the Act, 415 ILCS 5/3.445, provides, in pertinent part, as follows:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste...

67. At all times relevant to the Amended Complaint, the Landfill was covered under the 2000 Parcel A permit and the 2000 Parcel B permit, which allowed the disposal of waste provided the conditions enumerated in the permits were met. The Landfill is a “sanitary landfill” as that term is defined by Section 3.445 of the Act, 415 ILCS 5/3.445 (2018).

68. From 1970 until at least July 20, 1982 and from at least July 1, 2010 to the date of filing this Amended Complaint, Morris was operator of the Landfill. As operator, Morris “conducted a sanitary landfill operation” as that term is used in Section 21(o) of the Act, 415 ILCS 5/21(o) (2018).

69. Section 811.314 of the Board’s Waste Disposal regulations, 35 Ill. Adm. Code 811.314, provides, in pertinent part, as follows:

Section 811.314 Final Cover System

- a) The unit must be covered by a final cover consisting of a low permeability

layer overlain by a final protective layer constructed in accordance with the requirements of this Section, unless the Agency has issued an RD&D permit that allows the use of an innovative final cover technology pursuant to an adjusted standard issued under 35 Ill. Adm. Code 813.112(b), and that permit is in effect.

b) Standards for the Low Permeability Layer.

- 1) Not later than 60 days after placement of the final lift of solid waste, a low permeability layer must be constructed....

70. Morris placed the last waste in Parcel A and Parcel B of the landfill more than 60 days prior to May 23, 2013, the date of the Illinois EPA's inspection of the Landfill. As of July 5, 2019, Morris had still failed to initiate or complete installation of final cover on Parcel A or Parcel B. By failing to provide final cover for Parcel A or Parcel B within 60 days of the final lift and final placement of waste, Morris violated Section 811.314 of the Board's Waste Disposal regulations, 35 Ill. Adm. Code 811.314. The violations continue through the date of filing of this Amended Complaint.

71. Morris' failure to install final cover allowed for significant erosion of the intermediate soil cover over the deposited waste in Parcel A and Parcel B of the Landfill, allowed for increased infiltration of water into the waste resulting in increased generation of leachate, allowed the roots of trees and brush to grow into the deposited waste, created the risk of landfill gas releases to the atmosphere, and created the risk of uncovered waste blowing and otherwise entering land outside of the Landfill boundary.

72. By failing to provide final cover for Parcel A or Parcel B within 60 days of the final lift and final placement of waste, Morris violated Section 811.314 of the Board's Waste Disposal regulations, 35 Ill. Adm. Code 811.314. The violations continue through the date of filing of this Amended Complaint.

73. By failing to initiate installation of final cover in Parcel A and Parcel B within the time limits specified in 35 Ill. Adm. Code 811.314, Morris violated Section 21(o)(6) of the Act, 415 ILCS 5/21(o)(6) (2018). The violations continue through the date of filing of this Amended Complaint.

74. By failing to initiate installation of final cover in Parcel A and Parcel B within the time limits specified in 35 Ill. Adm. Code 811.314, Morris has been disposing, storing, and/or abandoning waste at a site that fails to meet the requirements of the Act and of regulations and standards thereunder, and therefore Morris has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018). The violations continue through the date of filing of this Amended Complaint.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count III:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 21(e) and (o)(6) of the Act, and 35 Ill. Adm. Code Sections 811.314;
3. Ordering the Respondent to cease and desist from any further violations of Section 21(e) and (o)(6) of the Act, and 35 Ill. Adm. Code Section 811.314;
4. Ordering the Respondent to immediately initiate installation of final cover on parcel A and Parcel B of the Landfill in compliance with the Illinois EPA-approved plan;
5. Assessing against the Respondent a civil penalty not to exceed \$50,000.00 for each violation of Section 21(e) and (o)(6) of the Act, and 35 Ill. Adm. Code Section 811.314, and an additional civil penalty not to exceed \$10,000.00 for each day the violations continued;

6. Ordering the Respondent pursuant to Section 42(f) of the Act, to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Complainant in its pursuit of this action; and

7. Granting such other relief as the Board deems appropriate and just

COUNT IV

FAILURE TO PERFORM GROUNDWATER TESTING ON PARCEL A

1-58. Complainant realleges and incorporates by reference herein paragraphs 1 through 49, and paragraphs 60 through 68, of Count I, as paragraphs 1 through 58 of this Count IV.

59. Approximately 20 groundwater monitoring wells and piezometers are installed at or near the Landfill boundary to test for contaminants that may migrate from the Landfill into surrounding groundwater. Ten (10) wells were designed to monitor groundwater at Parcel A, and Ten (10) wells were designed for groundwater monitoring of Parcel B.

60. Prior to and on April 18, 2007, Morris and former operator CLC intermittently collected groundwater samples from the 20 groundwater monitoring wells to test for contaminant migration, and submitted groundwater monitoring reports to Illinois EPA.

61. On April 25, 2007, and pursuant to an application submitted by Morris and CLC, the Illinois EPA issued Permit No. 2000-155-LFM, Modification No. 9 (“2007 Parcel A Permit”) to Morris, as owner, and CLC, as operator. The 2007 Parcel A Permit covers Parcel A of the Landfill as part of the Landfill’s required groundwater monitoring program. Morris accepted the 2007 Parcel A Permit and took no appeal challenging any provisions thereof.

62. Condition VIII.10 of the 2007 Parcel A Permit provides, in pertinent part, as follows:

The monitoring program, approved by Permit No. 2000-155-LFM, shall continue for a minimum period of thirty (30) years after closure and shall not cease until the conditions described in 35 Ill. Adm. Code, 811.319(a)(1)(C) have been

achieved. The operator shall collect samples from all of the monitoring points listed in Condition VIII.9, test the samples for the parameters listed in Condition VIII.12 (Lists G1 and G2), and report the results to the Illinois EPA, all in accordance with the schedule in Condition VIII.17....

63. Condition VIII.12 of the 2007 Parcel A Permit provides, in pertinent part, as follows:

* * *

List G1 (Groundwater-Quarterly)

<u>FIELD PARAMETERS</u>	<u>STORETS</u>	<u>MAPC/AGQS</u>
Ph	00400	6.12-8.14
Specific Conductance	0094	2,111.40

* * *

<u>INDICATOR PARAMETERS</u>	<u>STORETS</u>	<u>MAPC/AGQS</u>
Ammonia (as Nitrogen; Dissolved) mg/L	00608	3.9224
Arsenic (Dissolved) ug/L	01000	23.8
Boron (Dissolved) ug/L	01020	1564.2

* * *

List G2 (Groundwater-Annual)

<u>PARAMETERS</u>	<u>STORETS</u>	<u>MAPC/AGQ</u>
<u>UNFILTERED</u> (totals)		
Acetone	81552	100
Acrolein	34210	5
Acrlonitrile	34215	5

* * *

64. Condition VIII.17 of the 2007 Parcel A Permit provides, in pertinent part, as follows:

The schedule for sample collection and submission of quarterly monitoring results is as follows:

<u>Sampling Quarter</u>	<u>Sampling Due</u>	<u>Report Due Date</u>
Jan-Feb (1 st)	List G1	April 15

April-May (2d)	List G1 and G2	July 15
July-Aug (3d)	List G1	October 15
Oct-Nov (4 th)	List G1	January 15

G1-Routine Groundwater Parameters
G-2 Annual Groundwater Parameters

* * *

65. From July 15, 2007 until February 28, 2011, neither Morris nor CLC performed quarterly and annual groundwater testing at the Landfill, or submitted test results to the Illinois EPA, as required under the 2007 Parcel A Permit.

66. On July 1, 2010, CLC ceased operating the Landfill, and Morris became both “owner” and “operator” of Parcels A and B of the Landfill.

67. During 2011, Morris performed groundwater monitoring at the Landfill, and submitted test results to Illinois EPA on February 28, 2011, May 23, 2011, August 15, 2011, and October 3, 2011.

68. Morris did not continue regular groundwater monitoring at the Landfill after the October 3, 2011 report. From January 15, 2012 until 2014, Morris failed to submit regular quarterly or annual groundwater monitoring results to the Illinois EPA. Between 2014 and May 22, 2019, Morris only submitted groundwater monitoring data for the first quarter of 2019.

69. Because the Landfill has not received final cover, the risk of contaminated leachate is high and the need for groundwater testing to detect contamination migrating off-site through groundwater is particularly important. Morris’ failure to sample groundwater monitoring wells greatly increases the risk of foreseeable off-site groundwater and surface water contamination from the Landfill.

70. As operator of the Landfill from July 1, 2010 to the date of filing this Amended Complaint, Morris was required under the 2007 Parcel A Permit to collect and test samples from

groundwater monitoring wells at the Landfill on a quarterly basis for the parameters listed in Condition VIII.12.G1, and on an annual basis for the parameters listed in Condition VIII.12.G2, and to report results to the Illinois EPA according to the schedule contained in Condition VIII.17.

71. By failing to collect samples, perform regular quarterly and annual testing, and report results to the Illinois EPA at any time from October 3, 2011 to the date of filing this Amended Complaint, Respondent Morris violated Conditions VIII.10, VIII.12, and VIII.17 of the 2007 Parcel A Permit, and thereby also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count IV:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 21(d)(1) of the Act, and Conditions VIII.10, VIII.12, and VIII.17 of the 2007 Parcel A Permit;
3. Ordering the Respondent to cease and desist from any further violations of violated Section 21(d)(1) of the Act, and Conditions VIII.10, VIII.12, and VIII.17 of the 2007 Parcel A Permit;
4. Ordering the Respondent to commence closure of Parcel A of the Landfill, in compliance with an Illinois EPA-approved closure plan, no later than 60 days from the date of the Board's Order;
5. Ordering the Respondent to close Parcel A of the Landfill within the time required under a closure plan approved by the Illinois EPA;

6. Assessing against the Respondent a civil penalty not to exceed \$50,000.00 for each violation of violated Section 21(d)(1) of the Act, and Conditions VIII.10, VIII.12, and VIII.17 of the 2007 Parcel A Permit, and an additional penalty not to exceed \$10,000.00 for each day of violation;

7. Ordering the Respondent pursuant to Section 42(f) of the Act, to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Complainant in its pursuit of this action; and

8. Granting such other relief as the Board deems appropriate and just.

COUNT V
FAILURE TO PERFORM GROUNDWATER MONITORING ASSESSMENT ON
PARCEL A MONITORING WELLS

1-60. Complainant realleges and incorporates by reference herein paragraphs 1 through 49, and paragraphs 60 through 68, of Count I, and paragraphs 61 and 69 of Count IV, as paragraphs 1 through 60 of this Count V.

61. From at least July 1, 2010 to the date of filing this Amended Complaint, Morris has failed to perform a groundwater monitoring assessment on the groundwater monitoring wells installed for Parcel A of the Landfill.

62. From July 1, 2010, when Morris again became operator of the Landfill, to the date of filing this Amended Complaint, Morris has failed to report the results of a groundwater monitoring assessment to the Illinois EPA, and failed to submit an application for significant modification of the 2007 Parcel A Permit.

63. Condition VIII.27 of the 2007 Parcel A Permit provides, in pertinent part, as follows:

The operator shall conduct the groundwater monitoring assessment program for wells G120 (total ammonia, dissolved ammonia, dissolved chloride, and total

chloride), G121 (total ammonia, dissolved ammonia, and total potassium)...beginning 4th Quarter 2006 and ending 3d Quarter 2007, as proposed in Log Nos. 2006-139, 2006-265, and 2006-402. Groundwater monitoring wells shall be monitored in accordance with the schedule proposed in Log No. 2006-402.

* * *

The operator shall submit the results of the assessment monitoring program to the Illinois EPA in the form of a significant modification application by October 15, 2007. The application shall include, at a minimum, available historical data and analyses for the constituents of concern, 40 CFR 258 Appendix II results, and conclusions demonstrating whether the exceeding parameter concentrations in parcel A wells are attributable to the facility. If the facility is determined to be the source of impacts, the application shall include a proposal for further assessment in accordance with 35 Ill. Adm. Code 811.319(b)(3).

64. By failing to conduct a groundwater monitoring assessment of the wells

designated and for the contaminants specified in Condition VIII.27 of the 2007 Parcel A Permit, and by failing to submit the results in a significant modification application, Respondent Morris violated Condition VIII.27 of the 2007 Parcel A Permit, and thereby also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018). The violations continue through the date of filing of this Amended Complaint.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count V:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 21(d)(1) of the Act, and Condition VIII.27 of the 2007 Parcel A Permit;
3. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(1) of the Act, and Condition VIII.27 of the 2007 Parcel A Permit;
4. Assessing against the Respondent a civil penalty not to exceed \$50,000.00 for each violation of violated Section 21(d)(1) of the Act, and Condition VIII.27 of the 2007 Parcel

A Permit, and an additional penalty not to exceed \$10,000.00 for each day the violation continued;

5. Ordering the Respondent pursuant to Section 42(f) of the Act, to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Complainant in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT VI
FAILURE TO PERFORM GROUNDWATER TESTING ON PARCEL B

1-59. Complainant realleges and incorporates by reference herein paragraphs 1 through 49, and paragraphs 60 through 68, of Count I, and paragraph 69 of Count IV, as paragraphs 1 through 59 of this Count VI.

60. On April 25, 2007, and pursuant to an application submitted by Morris and CLC, Illinois EPA issued Permit No. 2000-156-LFM, Modification No. 9 (“2007 Parcel B Permit”) to Morris, as owner, and CLC, as operator. The 2007 Parcel B Permit covers Parcel B of the Landfill, and incorporates the 10 groundwater monitoring wells installed for Parcel B as part of the Landfill’s required groundwater monitoring program. Morris accepted the 2007 Parcel B Permit and took no appeal challenging any provisions thereof.

61. Condition VII.10 of the 2007 Parcel B Permit provides, in pertinent part, as follows:

The monitoring program, approved by Permit No. 2000-156-LFM, shall continue for a minimum period of thirty (30) years after closure and shall not cease until the conditions described in 35 Ill. Adm. Code, 811.319(a)(1)(C) have been achieved. The operator shall collect samples from all of the monitoring points listed in Condition VII.9, test the samples for the parameters listed in Condition VII.12 (lists G1 and G2), and report the results to the Illinois EPA, all in accordance with the schedule in Condition VII.17....

62. Condition VII.12 of the 2007 Parcel B Permit provides, in pertinent part, as

follows:

* * *

List G1 (Groundwater-Quarterly)

<u>FIELD PARAMETERS</u>	<u>STORETS</u>	<u>MAPC/AGQS</u>
Ph	00400	5.87-8.44
Specific Conductance	0094	2,380.7

* * *

<u>INDICATOR PARAMETERS</u>	<u>STORETS</u>	<u>MAPC/AGQS</u>
Depth to Water (ft. below land surface)	72019	----
Depth to Water (ft. below measuring point)	72109	----

* * *

List G2 (Groundwater-Annual)

<u>PARAMETERS</u>	<u>STORETS</u>	<u>MAPC/AGQ</u>
<u>UNFILTERED</u> (totals)		
Acetone	81552	100
Acrolein	34210	5
Acrlonitrile	34215	5

* * *

63. Condition VII.17 of the 2007 Parcel B Permit provides, in pertinent part, as

follows:

The schedule for sample collection and submission of quarterly monitoring results is as follows:

<u>Sampling Quarter</u>	<u>Sampling Due</u>	<u>Report Due Date</u>
Jan-Feb (1 st)	List G1	April 15
April-May (2d)	List G1 and G2	July 15
July-Aug (3d)	List G1	October 15
Oct-Nov (4 th)	List G1	January 15

G1- Routine Groundwater Parameters
 G2- Annual Groundwater Parameters

* * *

64. As operator of the Landfill from July 1, 2010 to the date of filing this Amended Complaint, Morris was obligated under the 2007 Parcel B Permit to collect and test samples from groundwater monitoring wells at the Landfill on a quarterly basis for parameters listed in Condition VII.12.G1, and on an annual basis for the parameters listed in Condition VII.12.G2, and required to report results to the Illinois EPA according to the schedule contained in Condition VII.17.

65. By failing to perform required quarterly and annual testing and by failing to report results to the Illinois EPA as required by the 2007 Parcel B Permit, Morris violated Conditions VII.10, VII.12, and VII.17 of the 2007 Parcel B Permit, and thereby also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018). The violations continue through the date of filing of this Amended Complaint.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count VI:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 21(d)(1) of the Act, and Conditions VII.10, VII.12, and VII.17 of the 2007 Parcel B Permit;
3. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(1) of the Act, and Conditions VII.10, VII.12, and VII.17 of the 2007 Parcel B Permit;
4. Assessing against the Respondent a civil penalty not to exceed \$50,000.00 for each violation of violated Section 21(d)(1) of the Act, and Conditions VII.10, VII.12, and VII.17 of the 2007 Parcel B Permit, and an additional penalty not to exceed \$10,000.00 for each day the

violation continued;

5. Ordering the Respondent pursuant to Section 42(f) of the Act, to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Complainant in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT VII
FAILURE TO PERFORM GROUNDWATER MONITORING ASSESSMENT
ON PARCEL B MONITORING WELLS

1-60. Complainant realleges and incorporates by reference herein paragraphs 1 through 49, and paragraphs 60 through 68, of Count I, and paragraphs 60 and 69 of Count IV, as paragraphs 1 through 60 of this Count VII.

61. Morris has failed to perform a groundwater monitoring assessment on the groundwater monitoring wells installed for Parcel B of the Landfill at any time from July 1, 2010 to the date of filing this Amended Complaint.

62. From July 1, 2010 to the date of filing this Amended Complaint, Morris has failed to report the results of a groundwater monitoring assessment to the Illinois EPA, and failed to submit an application for significant modification of the 2007 Parcel B Permit.

63. Condition VII.26 of the 2007 Parcel B Permit provides, in pertinent part, as follows:

The operator shall conduct the groundwater monitoring assessment program for wells G130 (total ammonia, dissolved ammonia, dissolved chloride, and total nickel), G131 (total ammonia, dissolved ammonia, total chloride, dissolved chloride, specific conductance, dissolved boron, and total nickel)...beginning 4th Quarter 2006 and ending 3d Quarter 2007, as proposed in Log Nos. 2006-139, 2006-266, and 2006-403. Groundwater monitoring wells shall be monitored in accordance with the schedule proposed in Log No. 2006-403.

* * *

The operator shall submit the results of the assessment monitoring program to the Illinois EPA in the form of a significant modification application by October 15,

2007. The application shall include, at a minimum, available historical data and analyses for the constituents of concern, 40 CFR 258 Appendix II results, and conclusions demonstrating whether the exceeding parameter concentrations in parcel B wells are attributable to the facility. If the facility is determined to be the source of impacts, the application shall include a proposal for further assessment in accordance with 35 Ill. Adm. Code 811.319(b)(3).

64. By failing to conduct a groundwater monitoring assessment of the wells

designated and for the contaminants specified in Condition VII.26 of the 2007 Parcel B Permit, and by failing to submit the results and remedial plan in a significant modification application since again becoming operator on July 1, 2010, the Respondent violated condition VII.26 of the 2007 Parcel B Permit, and thereby also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018). The violations continue through the date of filing of this Amended Complaint.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count VII:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that the Respondent has violated Section 21(d)(1) of the Act, and Condition VII.26 of the 2007 Parcel B Permit;

3. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(1) of the Act, and Condition VII.26 of the 2007 Parcel B Permit;

4. Assessing against the Respondent a civil penalty not to exceed \$50,000.00 for each violation of violated Section 21(d)(1) of the Act, and Condition VII.26 of the 2007 Parcel B Permit, and an additional penalty not to exceed \$10,000.00 for each day the violation continued;

5. Ordering the Respondent pursuant to Section 42(f) of the Act, to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Complainant in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT VIII
FAILURE TO PROVIDE FINANCIAL ASSURANCE

1-58. Complainant realleges and incorporates by reference herein paragraphs 1 through 45 and paragraphs 50 through 60, of Count I, and paragraphs 76 through 77 of Count II, as paragraphs 1 through 58 of this Count VIII.

59. Pursuant to the Act and Board regulations, financial assurance must be provided to Illinois EPA, in an amount approved by Illinois EPA, to cover closure and post-closure care costs for the Landfill. The most recent Illinois EPA-approved cost estimate for closure and post-closure of Parcels A and B of the Landfill was in the amount of \$17,427,366.00.

60. As of the date of filing this Amended Complaint, no financial assurance meeting the requirements of the Act and Board regulations has been provided to Illinois EPA for closure and post-closure care of Parcels A and/or B of the Landfill.

61. As of the date of filing this Amended Complaint, neither Parcel A nor Parcel B of the Landfill have been closed in accordance with the requirements of the Act, Board regulations, or the Landfill's Illinois EPA-issued permits.

62. Prior to August 2, 2012, Section 21.1(a)(5) of the Act, 415 ILCS 5/21.1(a)(5) provided, in pertinent part, that “. . . no person, . . . shall ‘conduct’ waste disposal operations . . .”. As set forth in paragraph 31 herein, on August 2, 2012, the Illinois General Assembly amended this provision which now provides, in pertinent part, “. . . no person, other than the State of Illinois, its agencies and institutions, shall own or operate an MSWLF unit that requires a permit under subsection (d) of Section 21 of this Act, unless the person has posted with the agency a performance bond or other security . . .”. The City is the owner of the Landfill. Pursuant to Section 810.103 of the Board Waste Disposal regulations, 35 Ill. Adm. Code

810.103, definition of “Owner”, the City is and has been the “Operator” since at least 2010 when CLC vacated the Landfill. Therefore, since at least August 2, 2012, the City is obligated to provide financial assurance for closure and post closure care pursuant to Section 21.1(a)(5) of the Act, 415 ILCS 5/21.1(a)(5) (2018).

63. On November 27, 1996, the United States Environmental Protection Agency established April 9, 1997 as the date upon which units of local government would be required to provide financial assurance for closure and post-closure care of municipally-owned landfills.

64. Because Parcels A and B accepted MSW consisting of, *inter alia*, household waste, commercial solid waste, industrial solid waste, and other discarded material, the Landfill, and Parcels A and B of the Landfill, are “MSWLF unit[s]” as that term is defined in Section 3.285 of the Act, 415 ILCS 5/3.285.

65. Pursuant to Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018), from July 1, 1970, to the date of filing this Amended Complaint, Parcels A and B of the Landfill, were, and are, required to be covered by Illinois EPA waste disposal permits.

65. Morris has been the owner of the Landfill since at least 1970, and, pursuant to 35 Ill. Adm. Code 810.103, operator of the Landfill since at least July 1, 2010. Since August 2, 2012, Morris was required by Section 21.1 of the Act, 415 ILCS 5/21.1 (2018), to provide financial assurance to Illinois EPA ensuring closure of the Landfill, post-closure care of the Landfill, and securing corrective action for any problems at the Landfill.

66. By failing to provide financial assurance to the Illinois EPA securing closure, post-closure care, and corrective action at any time, Morris thereby violated Section 21.1 of the Act, 415 ILCS 5/21.1 (2018). The violations continue through the date of filing of this Amended Complaint.

67. By failing to provide financial assurance to the Illinois EPA securing closure, post-closure care, and corrective action at any time, Morris has been disposing, storing, and/or abandoning waste at a site that fails to meet the requirements of the Act and of regulations and standards thereunder, and therefore Morris has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018). The violations continue through the date of filing of this Amended Complaint.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count VIII:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Sections 21(e) and 21.1 of the Act;
3. Ordering the Respondent to cease and desist from any further violations of Sections 21(e) and 21.1 of the Act;
4. Ordering the Respondent to immediately provide financial assurance meeting the requirements of the Act, and Board regulations, in the amount of \$17,427,366.00;
5. Ordering the Respondent to provide an updated estimate of the costs of closure and post-closure care to the Illinois EPA, and following approval, to provide financial assurance in the amount of the approved cost estimate;
6. Assessing against the Respondent a civil penalty not to exceed \$50,000.00 for each violation of Sections 21(e) and 21.1 of the Act, and an additional penalty not to exceed \$10,000.00 for each day the violation continued;
7. Ordering the Respondent pursuant to Section 42(f) of the Act, to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Complainant in its pursuit of this action; and

8. Granting such other relief as the Board deems appropriate and just.

COUNT IX
VIOLATION OF BOARD WASTE DISPOSAL REGULATIONS: FAILURE TO
UPDATE FINANCIAL ASSURANCE

1-62. Complainant realleges and incorporates by reference herein paragraphs 1 through 60 of Count I, and paragraphs 76 through 77 of Count II, as paragraphs 1 through 62 of this Count IX.

63. On August 4, 2000, and pursuant to applications submitted by Morris and CLC, Illinois EPA issued the 2000 Parcel A Permit to Morris as owner, and CLC as operator, of Parcel A of the Landfill. Also, on August 4, 2000, Illinois EPA issued the 2000 Parcel B Permit" to Morris as owner, and CLC as operator, of Parcel B of the Landfill.

64. In the 2000 Parcel A Permit, Illinois EPA approved the closure and post-closure care cost estimates, as of August 4, 2000, in the amount of \$12,357,756.00 for Parcel A. In the 2000 Parcel B Permit, Illinois EPA approved the closure and post-closure care cost estimates, as of August 4, 2000, in the amount of \$5,069,610.00 for Parcel B.

65. Between August 4, 2000 and August 18, 2009, no revised cost estimates were submitted to Illinois EPA by Morris or CLC for closure and post-closure care of Parcel A or Parcel B. On August 18, 2009, Morris submitted a revised cost estimate to Illinois EPA. However, the August 19, 2009 cost estimate did not account for annual inflation between the years 2000 and 2009.

66. On January 10, 2010, Illinois EPA rejected Morris' proposed revised cost estimates for closure and post-closure care of Parcels A and B because the cost estimates did not conform to the requirements of the Act and Board Financial Assurance regulations. Morris did not appeal Illinois EPA's rejection to the Board.

67. From at least January 10, 2010 to the date of filing this Amended Complaint, Morris has failed to provide revised closure and post-closure care estimates to the Illinois EPA to reflect inflation or other cost increases.

68. Section 811.701 of the Board Waste Disposal regulations, 35 Ill. Adm. Code 811.701, provides, in pertinent part, as follows:

Section 811.701 Upgrading Financial Assurance

a) The owner or operator shall maintain financial assurance equal to or greater than the current cost estimate calculated pursuant to Section 811.704 at all times, except as otherwise provided by subsection (b).

* * *

c) The owner or operator of a MSWLF unit shall annually make adjustments for inflation if required pursuant to Section 811.704(k)(2) or 811.705(d).

69. Section 811.706 of the Board Waste Disposal regulations, 35 Ill. Adm. Code 811.706, provides, in pertinent part, as follows:

Section 811.706 Mechanisms for Financial Assurance

a) The owner or operator of a waste disposal site shall utilize any of the mechanisms listed in subsections (a)(1) through (a)(10) to provide financial assurance for closure and post-closure care, and for corrective action at an MSWLF unit. An owner or operator of an MSWLF unit shall also meet the requirements of subsections (b), (c), and (d). The mechanisms are as follows:

- 1) A trust fund (see Section 811.710);
- 2) A surety bond guaranteeing payment (see Section 811.711)....

* * *

d) The owner or operator shall provide continuous coverage until the owner or operator is released from the financial assurance requirements pursuant to 35 Ill. Adm. Code 813.403(b) or Section 811.326.

70. Section 811.705 of the Board Waste Disposal regulations, 35 Ill. Adm. Code 811.705, provides, in pertinent part, as follows:

Section 811.705 Revision of Cost Estimate

- a) The owner or operator shall revise the current cost estimates for closure and postclosure care in each new application for permit renewal or where a facility modification results in an increase of the cost estimate.

* * *

- d) The owner or operator of a MSWLF unit shall adjust the cost estimates of closure, postclosure, and corrective action for inflation on an annual basis during the following time period:
 - 1) The active life of the unit for closure;
 - 2) The active life and postclosure care period, for postclosure; or
 - 3) Until the corrective action program is completed in accordance with Section 811.326, for corrective action.

71. By failing to maintain financial assurance for closure and post-closure care of the Landfill from at least July 1, 2010 to the date of filing this Amended Complaint, Morris violated Sections 811.701(a) and 811.706 of the Board Waste Disposal regulations, 35 Ill. Adm. Code Sections 811.701(a) and 811.706. The violations continue through the date of filing of this Amended Complaint.

72. By failing to make annual updates to closure and post-closure financial assurance to adjust for inflation at any time, Morris violated Section 811.701(c) of the Board Waste Disposal regulations, 35 Ill. Adm. Code 811.701(c). The violations continue through the date of filing of this Amended Complaint.

73. By failing to provide the Illinois EPA with revised estimates of the cost of closure and post closure care, Morris violated Section 811.705(d) of the Board Waste Disposal regulations, 35 Ill. Adm. Code 811.705(d). The violations continue through the date of filing of this Amended Complaint.

74. By violating 35 Ill. Adm. Code Sections 811.701, 811.705, and 811.706 from July 1, 2010 to the date of filing this Amended Complaint, Morris also violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count IX:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that the Respondent has violated Section 21(d)(2) of the Act, and 35 Ill. Adm. Code Sections 811.701, 811.705, and 811.706;

3. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(2) of the Act, and 35 Ill. Adm. Code Sections 811.701, 811.705, and 811.706;

4. Ordering the Respondent to immediately provide financial assurance meeting the requirements of the Act, and Board regulations, in the amount of \$17,427,366.00;

5. Ordering the Respondent to provide an updated estimate of the costs of closure and post-closure care to the Illinois EPA, and following approval, to provide financial assurance in the amount of the approved cost estimate;

6. Assessing against the Respondent a civil penalty not to exceed \$50,000.00 for each violation of Section 21(d)(2) of the Act, and 35 Ill. Adm. Code Sections 811.701, 811.705, and 811.706, and an additional penalty not to exceed \$10,000.00 for each day the violation continued;

7. Ordering the Respondent pursuant to Section 42(f) of the Act, to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Complainant in its pursuit of this action; and

8. Granting such other relief as the Board deems appropriate and just.

COUNT X
PERMIT VIOLATION: FAILURE TO PROVIDE
UPDATED CLOSURE POST/CLOSURE COST ESTIMATES

1-62. Complainant realleges and incorporates by reference herein paragraphs 1 through 60 of Count I, and paragraphs 76 through 77 of Count II, as paragraphs 1 through 62 of this Count X.

63. Condition X of the 2000 Parcel A Permit provides, in pertinent part, as follows:

* * *

5. The operator shall provide financial assurance for closure and post-closure care pursuant to 35 IAC, Section 811.700(b)....
6. The total cost estimate for closure and post closure care for Parcel A of this facility approved by Permit No. 2000-155-LFM is \$12,357,756....
7. The operator shall increase the total amount of financial assurance so as to equal the current cost estimate within 90 days of an increase in the current cost estimate in accordance with 35 IAC 811.701(b).
8. The owner or operator shall adjust the cost estimates for closure, post-closure, and corrective action for inflation on an annual basis during the following time periods:
 - a. The active life of the unit for the closure cost;
 - b. The active life and post-closure care period for the post-closure cost; or
 - c. Until any corrective action program is completed in accordance with 35 IAC Section 811.326, for the cost of corrective action.

* * *

64. Condition IX of the 2000 Parcel B permit provides, in pertinent part, as follows:

* * *

5. The operator shall provide financial assurance for closure and post-closure care pursuant to 35 IAC, Section 811.700(b).

6. The total cost estimate for closure and post closure care for Parcel B of this facility approved by Permit No. 2000-156-LFM is \$5,069,610. Financial assurance shall be maintained in this amount.
7. The operator shall increase the total amount of financial assurance so as to equal the current cost estimate within 90 days of an increase in the current cost estimate in accordance with 35 IAC, 811.701(b).
8. The owner or operator shall adjust the cost estimates for closure, post-closure, and corrective action for inflation on an annual basis during the following time periods:
 - a. The active life of the unit for the closure cost;
 - b. The active life and post-closure care period for the post-closure cost; or
 - c. Until any corrective action program is completed in accordance with 35 IAC Section 811.326, for the cost of corrective action.

* * *

65. As permitted owner of the Landfill, and as operator of the Landfill since July 1, 2010, Morris was, and is, obligated by Condition X.8 of the 2000 Parcel A Permit and Condition IX.8 of the 2000 Parcel B Permit to provide updated cost estimates each year from August 4, 2000, to the date of filing this Amended Complaint to reflect changes due to annual inflation and other costs.

66. During the period from August 4, 2000 to the date of filing this Amended Complaint, Morris only submitted proposed closure and post-closure cost revisions for Parcel A and Parcel B in 2009. The 2009 proposed revisions did not account for the effect of inflation from 2000 until 2009, and therefore did not comply with the requirements of Condition X.8 of the 2000 Parcel A Permit or Condition IX.8 of the 2000 Parcel B Permit.

67. By failing to provide annual updated closure and post-closure care estimates to Illinois EPA for Parcel A from August 4, 2000 to the date of filing this Amended Complaint, Morris violated Condition X.8 of the 2000 Parcel A. Permit. The violations continue through the

date of filing of this Amended Complaint.

68. By failing to provide annual updated closure and post-closure care estimates to Illinois EPA for Parcel B from August 4, 2000 to the date of filing this Amended Complaint, Morris violated Condition IX.8 of the 2000 Parcel B Permit. The violations continue through the date of filing of this Amended Complaint.

69. Morris has been both “owner” and “operator” of the Landfill from at least July 1, 2010 until the date of filing this Amended Complaint. However, Morris failed to provide financial assurance for closure and post-closure care meeting the requirements of the Act and Board regulations for either Parcel A or Parcel B at any time.

70. By failing to provide financial assurance for closure and post-closure care of Parcel A from July 1, 2010 to the date of filing this Amended Complaint, Morris violated Condition X.5 of the 2000 Parcel A Permit.

71. By failing to provide financial assurance for closure and post-closure care of Parcel B from July 1, 2010 to the date of filing this Amended Complaint, Morris violated Condition IX.5 of the 2000 Parcel B Permit.

72. By conducting waste disposal operations in violation of conditions of the 2000 Parcel A Permit and the 2000 Parcel B Permit from July 1, 2010 to the date of filing this Amended Complaint, Morris thereby also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018).

73. By conducting waste disposal operations in violation of conditions of the 2000 Parcel A Permit and the 2000 Parcel B Permit from July 1, 2010 to the date of filing this Amended Complaint, Morris has been disposing, storing, and/or abandoning waste at a site that fails to meet the requirements of the Act and of regulations and standards thereunder, and

therefore Morris has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count X:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that the Respondent has violated Section 21(d)(1) and (e) of the Act, Conditions X.5 and X.8 of the 2000 Parcel A Permit, and Conditions IX.5 and IX.8 of the 2000 Parcel B Permit;

3. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(1) and (e) of the Act, Conditions X.5 and X.8 of the 2000 Parcel A Permit, and Conditions IX.5 and IX.8 of the 2000 Parcel B Permit;

4. Ordering the Respondent to immediately provide financial assurance meeting the requirements of the Act, and Board regulations, in the amount of \$17,427,366.00;

5. Ordering the Respondent to provide an updated estimate of the costs of closure and post-closure care to the Illinois EPA, and following approval, to provide financial assurance in the amount of the approved cost estimate;

6. Assessing against the Respondent a civil penalty not to exceed \$50,000.00 for each violation of Section 21(d)(1) and (e) of the Act, Conditions X.5 and X.8 of the 2000 Parcel A Permit, and Conditions IX.5 and IX.8 of the 2000 Parcel B Permit, and an additional penalty not to exceed \$10,000.00 for each day the violation continued;

7. Ordering the Respondent pursuant to Section 42(f) of the Act, to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Complainant in its pursuit of this action; and

8. Granting such other relief as the Board deems appropriate and just.

COUNT XI
PERMIT VIOLATION: FAILURE TO MAINTAIN RECORDS

1-49. Complainant realleges and incorporates by reference herein paragraphs 1 through 49 of Count I as paragraphs 1 through 49 of this Count XI.

50. On May 23, 2013, an Illinois EPA inspector performed a compliance inspection of the Landfill. The inspector observed that the Landfill office was occupied by the Morris Department of Public Works, and observed a Morris employee pumping landfill leachate for treatment.

51. On July 5, 2019, an Illinois EPA inspector again performed a compliance inspection of the Landfill. The inspector met with employees of the City of Morris who were present at the Landfill, and observed that Morris was pumping leachate from the Landfill and disposing of the leachate in sanitary sewers adjacent to the Landfill. In addition, Morris was performing landscaping and grass cutting at the Landfill.

52. During the May 23, 2013 and July 5, 2019 inspections, the Illinois EPA inspector requested copies of records from Morris's representatives. However, Morris did not have operating records for either Parcel A or Parcel B at, or in the vicinity of, the Landfill. Specifically, Morris did not have copies of the Landfill's written closure plans or other closure documents, records related to groundwater monitoring, documents demonstrating closure and post-closure plans or financial assurance, or records of landfill gas control and management for either Parcel A or Parcel B.

53. Condition IV of the 2000 Parcel A Permit provides, in pertinent part, as follows:

IV. RECORDKEEPING

* * *

6. The owner or operator shall record and retain near the facility in an operating record or in some alternative location specified by the Illinois EPA, the information submitted to the Illinois EPA pursuant to 35 IAC, Parts 812 and 813, as it becomes available. At a minimum the operating record shall contain the following information, even if such information is not required by 35 IAC, part 812 or 813:

* * *

- c. Gas monitoring results and any remediation plans required by 35 IAC, Sections 811.310 and 811.311;
- d. Any MSWLF unit design documentation for placement of leachate or gas condensate in a MSWLF unit required by 35 IAC, Section 811.107(m);
- e. Any demonstration, certification, monitoring results, testing, or analytical data relating to the groundwater monitoring program required by 35 IAC Sections 811.319, 811.324, 811.325, 811.326, 812.317, 813.501 and 813.502;
- f. closure and post-closure care plans and any monitoring, testing, or analytical data required by 35 IAC Sections 811.110, 811.111, 812.114(h), 812.115 and 812.313; and
- g. Any cost estimates and financial assurance documentation required by 35 IAC Part 811, Subpart G.

54. Condition III of the 2000 Parcel B Permit provides, in pertinent part, as follows:

III. RECORDKEEPING

* * *

4. The owner or operator shall record and retain near the facility in an operating record or in some alternative location specified by the Illinois EPA, the information submitted to the Illinois EPA pursuant to 35 IAC, Parts 812 and 813, as it becomes available. At a minimum the operating record shall contain the following information, even if such information is not required by 35 IAC, part 812 or 813:

* * *

- c. Gas monitoring results and any remediation plans required by 35 IAC, Sections 811.310 and 811.311;

- d. Any MSWLF unit design documentation for placement of leachate or gas condensate in a MSWLF unit required by 35 IAC, Section 811.107(m);
- e. Any demonstration, certification, monitoring results, testing, or analytical data relating to the groundwater monitoring program required by 35 IAC Sections 811.319, 811.324, 811.325, 811.326, 812.317, 813.501 and 813.502;
- f. closure and post-closure care plans and any monitoring, testing, or analytical data required by 35 IAC Sections 811.110, 811.111, 812.114(h), 812.115 and 812.313; and
- g. Any cost estimates and financial assurance documentation required by 35 IAC Part 811, Subpart G.

55. As owner and operator of the Landfill, and as Permittee of the 2000 Parcel A Permit, Morris was required by Condition IV.6 of the 2000 Parcel A Permit to make and keep operating records at or in the vicinity of the Landfill, including, *inter alia*, the records described in Condition IV.6.c-g of the 2000 Parcel A. Permit. By failing to keep such records at or in the vicinity of the Landfill, Morris violated Condition IV of the 2000 Parcel A Permit, and thereby also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018). The violations continue through the date of filing of this Amended Complaint.

56. As owner and operator, and as Permittee under the 2000 Parcel B Permit, Morris was also required under Condition III.4 of the 2000 Parcel B Permit to make and keep operating records including, *inter alia*, the records described in Condition III.4c-g of the 2000 Parcel B Permit. By failing to keep such records at or in the vicinity of the Landfill, Morris violated Condition III of the 2000 Parcel B Permit, and thereby also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018). The violations continue through the date of filing of this Amended Complaint.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count XI:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 21(d)(1) of the Act, Condition IV of the 2000 Parcel A Permit, and Condition III of the 2000 Parcel B Permit;
3. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(1) of the Act, Condition IV of the 2000 Parcel A Permit, and Condition III of the 2000 Parcel B Permit;
4. Ordering the Respondent to immediately comply with the recordkeeping requirements, and terms and conditions of the 2000 Parcel A Permit and the 2000 Parcel B Permit;
5. Assessing against the Respondent a civil penalty not to exceed \$50,000.00 for each violation of Section 21(d)(1) of the Act, Condition IV of the 2000 Parcel A Permit, and Condition III of the 2000 Parcel B Permit, and an additional penalty not to exceed \$10,000.00 for each day the violation continued;
7. Ordering the Respondent pursuant to Section 42(f) of the Act, to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Complainant in its pursuit of this action; and
8. Granting such other relief as the Board deems appropriate and just.

COUNT XII
FAILURE TO HAVE A CERTIFIED OPERATOR FOR THE LANDFILL

1-25. Complainant realleges and incorporates by reference herein paragraphs 1 through

10, and paragraphs 25 through 39, of Count I, as paragraphs 1 through 25 of this Count XII.

26. From at least July 1, 2010 to the date of filing this Amended Complaint, Morris has owned and operated the Landfill without arranging for or employing a person certified by the Illinois EPA as competent to manage and operate a solid waste disposal facility.

27. Section 1002 of the Solid Waste Site Operator Certification Law (“Operator Certification Law”), 225 ILCS 230/1002 (2018), provides, as follows:

§ 1002 Findings

The General Assembly finds that to promote the safeguarding of public health and the environment that landfill sites need to have competent site operators whose practical working knowledge of the design, operation, and maintenance of landfill sites has been certified by the Illinois Environmental Protection Agency.

28. Section 1003 of the Operator Certification Law, 225 ILCS 230/1004 (2018), provides as follows:

§ Definitions

Except as otherwise set forth herein, terms used in this Act shall have the meanings set forth in the Environmental Protection Act, 415 ILCS 5/1 *et seq.*

29. Section 1005 of the Operator Certification Law, 225 ILCS 230/1005 (2018), provides, in pertinent part, as follows:

§ 1005 Agency Authority

The Agency is authorized to exercise the following functions, powers and duties with respect to solid waste site operator certification:

- (a) To conduct examinations to ascertain the qualifications of applications for certificates of competency as solid waste site operators;
- (b) To conduct courses of training on the practical aspects of the design, operation, and maintenance of sanitary landfill;
- (c) to issue a certificate to any applicant who has satisfactorily met all the requirements pertaining to a certificate of competency as a solid waste site operator....

30. Section 1007 of the Operator Certification Law, 225 ILCS 230/1007 (2018), provides, in pertinent part, as follows:

§ 1007 Qualifications.

Every solid waste site operator certified by the Agency shall be capable of performing his duties without endangering the public health or the environment and without violating the requirements applicable to operation of sanitary landfills; shall be able to read and write English; shall produce evidence acceptable to the Agency as to his ability to maintain and operate properly the structures and equipment entrusted to his care; and shall satisfactorily demonstrate to the Agency a practical working knowledge of the design, operation, and maintenance of sanitary landfills appropriate to the classification for which certification is sought....

31. Section 1004 of the Operator Certification Law, 225 ILCS 230/1104 (2018), provides, in pertinent part, as follows:

§ 1104 Prohibition

Beginning January 1, 1992, no person shall cause or allow the operation of a landfill permitted or required to be permitted by the Agency unless the landfill has on its operational staff at least one natural person certified as competent by the Agency under the provisions of this Act....

32. As operator of the Landfill, Morris is required under the Operator Certification Law to employ a person meeting the qualifications of Section 1107 of the Operator Certification Law, 225 ILCS 230/1107 (2018), and certified by the Illinois EPA pursuant to Section 1105 of the Operator Certification Law, 225 ILCS 230/1105 (2018). By causing and allowing the operation of the Landfill without a certified operator from at least May 23, 2013 to the date of filing this Amended Complaint, Morris violated Section 1104 of the Operator Certification Law, 225 ILCS 230/1104 (2018).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count XII:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 1104 of the Operator Certification Law;
3. Ordering the Respondent to cease and desist from any further violations of Section 1104 of the Operator Certification Law; and
4. Granting such other relief as the Board deems appropriate and just.

**COUNT XIII
REGULATORY VIOLATION:
FAILURE TO HAVE A CHIEF OPERATOR FOR THE LANDFILL**

1-49. Complainant realleges and incorporates by reference herein paragraphs 1 through 49 of Count I, as paragraphs 1 through 49 of this Count XIII.

50. On May 23, 2013, an Illinois EPA inspector performed a compliance inspection at the Landfill, and determined that Morris had failed to appoint, employ, or designate a chief operator for the Landfill having a prior conduct certification issued by the Illinois EPA.

51. On July 5, 2019, Morris had still not designated a chief operator for the Landfill having a prior conduct certification issued by the Illinois EPA.

52. As of the date of filing this Amended Complaint, Morris continues to own and operate the Landfill without first having appointed, employed, or designated a chief operator possessing a prior conduct certification.

53. The Board has promulgated regulations requiring landfill owners and operators to have a chief operator, provide background information, and obtain Illinois EPA approval through background investigations known as “prior conduct certifications”. The Board’s regulations are codified at 35 Ill. Adm. Code, Part 745 (“Board Operator Certification regulations”).

54. Section 745.101 of the Board Operator Certification regulations, 745 Ill. Adm.

Code 745.101, provides, in pertinent part, as follows:

Section 745.101 Scope and Applicability

- a) This Part establishes procedures for prior conduct certification for personnel of waste disposal sites.
- b) This Part requires the chief operator of certain waste disposal sites, pursuant to Subpart E, to obtain prior conduct certification. Otherwise, permits for operation of the site may be denied or revoked, and the owners or other named permittees, as well as the chief operator, are subject to an enforcement action for continued operation without a certified operator, pursuant to Subpart E.

55. Section 745.181 of the Board Operator Certification regulations, 35 Ill. Adm.

Code 745.181, provides, in pertinent part, as follows:

Section 745.181 Chief Operator Requirements

- a) The individual who is chief operator of a waste disposal site, as defined pursuant to Section 745.102(c), shall have prior conduct certification.
- b) The owner or other named permittee shall designate one or more chief operators for each waste disposal site.

56. Section 745.201 of the Board Waste Disposal regulations, 35 Ill. Adm. Code

745.181, provides, in pertinent part, as follows:

Section 745.201 Prohibitions

- a) No person shall operate a waste disposal site unless the site chief operator has prior conduct certification.
- b) No site owner or other named permittee shall cause or allow operation of a waste disposal site unless the site chief operator has prior conduct certification.

57. Section 3.540 of the Act, 415 ILCS 5/3.540 (2018), provides as follows:

“Waste disposal site” is a site on which solid waste is disposed.

58. Morris caused and allowed solid waste to be disposed at the Landfill. The

Landfill is a “waste disposal site” as that term is defined in Section 3.540 of the Act, 415 ILCS 5/3.540 (2018).

59. From at least May 23, 2013 to the date of filing this Amended Complaint, Morris has failed to designate a chief operator for the Landfill, and thereby violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2), and Section 745.181(b) of the Board Operator Certification regulations, 35 Ill. Adm. Code 745.181(b).

60. From at least May 23, 2013 to the date of filing this Amended Complaint, Morris has caused or allowed the continued operation of the Landfill without first designating a person having a prior conduct certification as chief operator of the Landfill. Morris thereby violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2), and Section 745.201 of the Board Operator Certification regulations, 35 Ill. Adm. Code 745.201.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, CITY OF MORRIS on Count XIII:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 21(d)(2) of the Act, and 35 Ill. Adm. Code Sections 745.181(b) and 745.201;
3. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(2) of the Act, and 35 Ill. Adm. Code Sections 745.181(b) and 745.201;
4. Assessing against the Respondent a civil penalty not to exceed \$50,000.00 for each violation of Section 21(d)(2) of the Act, and 35 Ill. Adm. Code Sections 745.181(b) and 745.201, and an additional penalty not to exceed \$10,000.00 for each day the violation continued;

5. Ordering the Respondent pursuant to Section 42(f) of the Act, to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Complainant in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By: /s/ Elizabeth Wallace
ELIZABETH WALLACE, Chief
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	
)	PCB No. 11-50
The CITY OF MORRIS, an Illinois)	
municipal corporation, and)	(Enforcement-Land)
COMMUNITY LANDFILL COMPANY, INC.,)	
a dissolved Illinois corporation,)	
)	
Respondents.)	

**MOTION FOR VOLUNTARY DISMISSAL
OF RESPONDENT COMMUNITY LANDFILL COMPANY, INC.**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to 735 ILCS 5/2-1009 and 35 Ill. Adm. Code 101.100(b), moves the Board to voluntarily dismiss Respondent Community Landfill Company, Inc. from this matter, without prejudice and without costs. In support thereof, Complainant states as follows:

1. Complainant filed the initial Complaint in this matter on February 11, 2011 against the City of Morris (“Morris”) and Community Landfill Company (“CLC”). The Complaint alleged violations of the Illinois Environmental Protection Act (“Act”), permits applied for and issued to the Respondents, and Illinois Pollution Control Board (“Board”) regulations. The violations all relate to the Morris Community Landfill (“Landfill”), Morris, Grundy County, Illinois.
2. The City of Morris owned, and continues to own, the Landfill. Respondent CLC operated the Landfill under a lease with Morris until approximately July 1, 2010. After expiration of the Lease, CLC ceased operations at the Landfill and all CLC personnel left the

Landfill premises. Since July 1, 2010, no person or organization besides the City of Morris has operated or maintained the Landfill. In accordance with the Board's regulatory definitions contained in 35 Ill. Adm. Code 810.103, Morris is now both "owner" and "operator" of the Landfill.

3. On May 14, 2010, CLC was involuntarily dissolved by the Illinois Secretary of State.

4. Simultaneously with the filing of this Motion, Complainant has filed a Motion for Leave to File First Amended complaint. The proposed Amended Complaint incorporates the violations alleged in the initial Complaint updated to support the ongoing nature of these violations. The proposed Amended Complaint also contains additional allegations of continuing violations against Morris from July 1, 2010 to the present. The proposed Amended Complaint does not allege any violations against CLC.

5. If the Board accepts the proposed Amended Complaint, CLC is no longer a necessary party to this Complaint for the Board to grant complete relief addressing the alleged violations. Accordingly, Complainant moves to dismiss Respondent CLC from this matter, without prejudice and without costs. If the Board accepts the proposed Amended Complaint, Complainant will continue this matter against Respondent Morris, the current owner and operator of the Landfill, for the ongoing violations of the Act, its Landfill permits, and Board regulations.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board grant its Motion and dismiss Respondent COMMUNITY LANDFILL COMPANY, from this matter, without prejudice and without assessment of costs.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

ELIZABETH WALLACE, Chief
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
By KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
vs.)	PCB No. 11-50
)	
THE CITY OF MORRIS,)	(Enforcement – Land)
an Illinois municipal corporation,)	
)	
Respondent.)	

APPEARANCE

I hereby enter my appearance on behalf of Complainant, PEOPLE OF THE STATE OF ILLINOIS, as additional counsel. Senior Assistant Attorney General Christopher J. Grant will participate as lead attorney for Complainant in this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL,
Attorney General of the State of Illinois

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