

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
COMMUNITY LANDFILL COMPANY, INC.,)
an Illinois Corporation, and the CITY OF)
MORRIS, an Illinois Municipal Corporation,)
)
Respondents.)

RECEIVED
CLERK'S OFFICE

JUN 13 2003

STATE OF ILLINOIS
Pollution Control Board

PCB No. 03-191

APPEARANCE

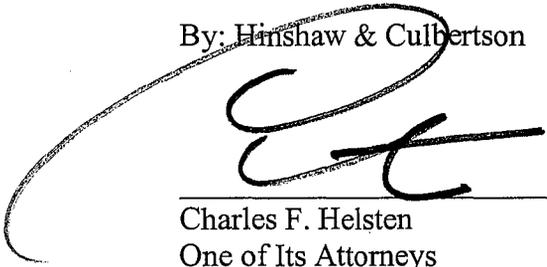
NOW COMES, CHARLES F. HELSTEN law firm of HINSHAW & CULBERTSON
does hereby enter his Appearance in the above-captioned matter on behalf of the CITY OF
MORRIS, an Illinois Municipal Corporation.

Dated: 6/12/03

Respectfully Submitted,

On behalf of the CITY OF MORRIS, an Illinois
Municipal Corporation

By: Hinshaw & Culbertson



Charles F. Helsten
One of Its Attorneys

HINSHAW AND CULBERTSON
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on June 12, 2003, she served a copy of the foregoing upon:

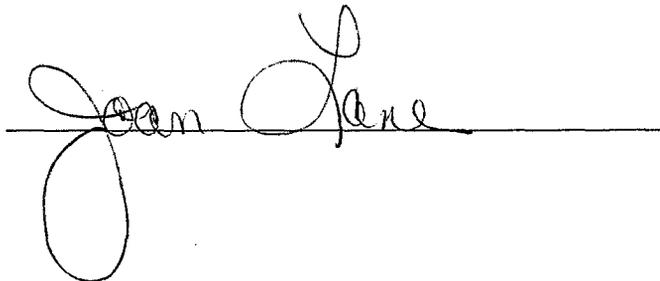
Mr. Christopher Grant
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Fl.
Chicago, IL 60601

Scott Belt
Scott Belt and Associates
105½ West Washington St.
Morris, IL 60450

Mark A. LaRose
LaRose & Bosco, Ltd.
734 N. Wells Street
Chicago, IL 60610

Ms. Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601

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

A handwritten signature in cursive script, appearing to read "Jean Kane", is written over a horizontal line. A large, loopy flourish extends from the bottom of the signature.

HINSHAW & CULBERTSON
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ANSWER AND AFFIRMATIVE DEFENSES

NOW COMES the City of Morris, an Illinois Municipal Corporation, and for Answer and Affirmative Defense to the Complaint filed by the State of Illinois herein, states as follows:

COUNT I

1. The Respondent City of Morris denies the allegations set forth in ¶ 1 of Count I for lack of information and belief, and demands strict proof thereof.
2. The Respondent City of Morris admits the allegations set forth in ¶ 2 of Count I of the Complaint.
3. The Respondent City of Morris admits so much of ¶ 3 of Count I which alleges it is an Illinois municipal corporation, organized and operating according to the laws of the State of Illinois, and located in Grundy County, Illinois. The City further affirmatively states that it is the title holder of certain property upon which the Morris Community Landfill is located.
4. The Respondent City of Morris admits the allegations set forth in ¶ 4 of Count I of the Complaint.

5. The Respondent City of Morris admits the allegations set forth in ¶ 5 of Count I of the Complaint.

6. The Respondent City of Morris denies the allegations set forth in ¶ 6 of Count I of the Complaint, and further affirmatively states that (as alleged by the State in ¶ 5 of Count I of its Complaint) the Respondent Community Landfill Company, Inc. is the operator of such landfill, and manages the day to day operations of both parcels at that site. Accordingly, the Respondent City of Morris further affirmatively states that, as such, all arrangements for activities conducted with respect to the deposit of waste at the landfill have been conducted by the Respondent Community Landfill Company, Inc.

7. The Respondent City of Morris is unable to either admit or answer the allegations set forth in ¶ 7 of Count I of the Complaint, as such allegations are ambiguous, vague and overly broad. Accordingly, and based upon the same, for lack of information and belief, the Respondent denies the same.

8. The Respondent City of Morris admits so much of ¶ 8 as alleges that various permits (as detailed in such paragraph) were issued with respect to the facility in question, and denies the balance of the allegations set forth in such paragraph.

9. The Respondent City of Morris denies so much of ¶ 9 of Count I of the Complaint which alleges that both Respondents conducted disposal operations at parcels A and B of the Morris Community Landfill, and again based upon the allegations set forth in ¶ 5 of the Complaint that CLC is the operator of the Morris Community Landfill and manages day to day operations of both parcels of the site, the Respondent City of Morris affirmatively states that any and all activities conducted at the site were undertaken by

Respondent Community Landfill, Inc. The Respondent City of Morris further affirmatively states that financial assurance of closure/post closure costs were provided to IEPA in the form of three separate performance bonds underwritten by Frontier Insurance Company.

10. The Respondent City of Morris denies the allegations set forth in ¶ 10 of Count I of the Complaint for lack of specific information and belief.

11. The Respondent City of Morris denies the allegations set forth in ¶ 11 of Count I of the Complaint for lack of specific information and belief.

12. The Respondent City of Morris admits the allegations set forth in ¶ 12 of Count I of the Complaint.

13. The Respondent City of Morris admits the allegations set forth in ¶ 13 of Count I of the Complaint.

14. The Respondent City of Morris admits the allegations set forth in ¶ 14 of Count I of the Complaint.

15. The Respondent City of Morris admits the allegations set forth in ¶ 15 of Count I of the Complaint.

16. The Respondent City of Morris admits the allegations set forth in ¶ 16 of Count I of the Complaint.

17. The Respondent City of Morris denies the allegations set forth in ¶ 17 of Count I of said Complaint, and further affirmatively states that the only "person(s)" as defined by

Section 3.26 of the Act that may have potentially violated the statutory provisions set forth in Count I of the Complaint are the Respondent, Community Landfill, Inc., and possibly those officers, agents, representatives or employees of the company who may have assisted in decisions concerning the day-to-day management of Community Landfill Company.

18. The Respondent City of Morris admits the allegations set forth in ¶ 18 of Count I of the Complaint.

19. The Respondent City of Morris admits the allegations set forth in ¶ 19 of Count I of the Complaint.

20. The Respondent City of Morris admits the allegations set forth in ¶ 20 of Count I of the Complaint.

21. The Respondent City of Morris admits the allegations set forth in ¶ 21 of Count I of the Complaint.

22. For answer to ¶ 22 of Count I of the Complaint, the Respondent City of Morris realleges its answer to ¶ 6 of Count I of the Complaint as if fully and completely set forth herein. Further, the Respondent City of Morris denies the balance of the allegations set forth in ¶ 22 concerning the conducting of a "waste disposal operation" (as that term is defined in the Act) and further affirmatively states that it has not arranged for or supervised the deposit of special waste, municipal solid waste, garbage and other waste at the Morris Community Landfill. (The State again having already alleged in Paragraph 5

of Count I of said Complaint that: "CLC is the operator of the Morris Community Landfill, and manages day-to-day operations at both parcels at that site.").

23. To the extent that ¶ 23 of Count I of the Complaint alleges that the Respondent City of Morris has conducted waste disposal operations at the facility in question, the Respondent City of Morris realleges and incorporates herein its answer to ¶ 22 above as if fully and completely set forth herein. With respect to the balance of the allegations set forth in such paragraph, the Respondent City of Morris accordingly denies the same.

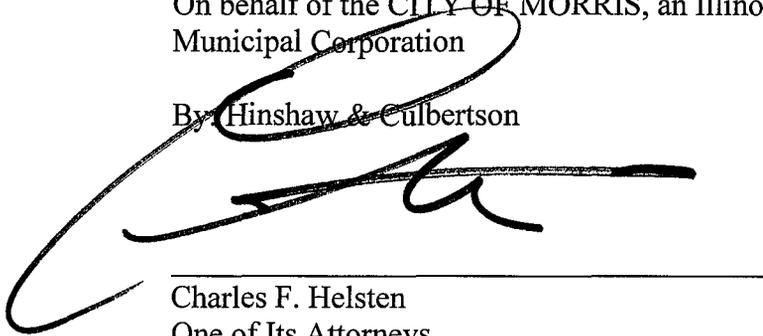
WHEREFORE, and for all the reasons stated herein, the Respondent City of Morris respectfully requests that the Board enter an Order dismissing this Complaint, all at the cost of the Complainant, the People of the State of Illinois, and for such other and further relief as the Board deems appropriate and just.

Dated: 6/12/03

Respectfully Submitted,

On behalf of the CITY OF MORRIS, an Illinois
Municipal Corporation

By ~~Hinshaw & Culbertson~~



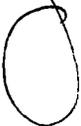
Charles F. Helsten
One of Its Attorneys

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This document utilized 100% recycled paper products

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on June 12, 2003, she served a copy of the foregoing upon:

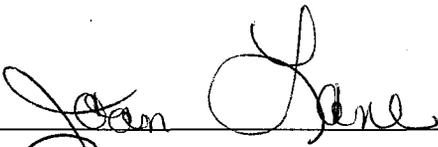

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By depositing a copy thereof, enclosed in an envelope in the United States Mail at Rockford, Illinois, proper postage prepaid, before the hour of 5:00 P.M., addressed as above.



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