

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAR 08 2006

STATE OF 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.)

PCB No. 03-191
(Enforcement)

NOTICE OF FILING

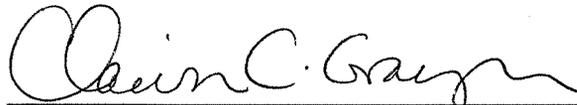
TO: Christopher Grant
Environmental Bureau
Assistant Attorney General
188 West Randolph Street
20th Floor
Chicago, Illinois 60601

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph
Suite 11
Chicago, Illinois 60601

Charles F. Helsten
Hinshaw & Culbertson, LLP
100 Park Avenue
P.O. Box 1389
Rockford, Illinois 61105-1389

Scott Belt
Scott Belt and Associates, PC
105 East Main Street
Suite 206
Morris, Illinois 60450

PLEASE TAKE NOTICE that on March 8, 2006, the undersigned filed an original and four (4) copies of **RESPONDENT'S COMMUNITY LANDFILL COMPANY AND THE CITY OF MORRIS' JOINT RESPONSE TO COMPLAINANT'S MOTION TO SET EXPEDITED HEARING DATE** with Ms. Dorothy Gunn, Clerk of the Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, a copy of which is attached and hereby served upon you.



One of the Attorneys for Community Landfill Co.

Mark A. LaRose
Clarissa C. Grayson
LAROSE & BOSCO, LTD.
Attorney No. 37346
200 North LaSalle Street, Suite 2810
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THIS FILING IS SUBMITTED ON RECYCLED PAPER.

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CLERK'S OFFICE

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PCB No. 03-191
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COMMUNITY LANDFILL COMPANY,)

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Respondents.)

RESPONDENTS' COMMUNITY LANDFILL COMPANY AND THE CITY OF MORRIS' JOINT RESPONSE TO COMPLAINANT'S MOTION TO SET EXPEDITED HEARING DATE

Respondents COMMUNITY LANDFILL COMPANY and THE CITY OF MORRIS hereby jointly respond to the Complainant, PEOPLE OF THE STATE OF ILLINOIS' Motion to Set Expedited Hearing Date, and in support thereof, state as follows:

PROCEDURAL HISTORY

1. On April 16, 2003, Complainant People of the State of Illinois ("Complainant" or "People") filed a One-Count complaint against Respondents Community Landfill Company and the City of Morris ("Respondents", collectively, or "CLC" or "City", individually) alleging violations of 35 Ill. Adm. Code 800.700(f) and 800.712(b) resulting in violation of Section 21(d)(2) of the Illinois Environmental Protection Act ("the Act").

2. Complainant filed a Motion for Summary Judgment on July 21, 2005 to which Respondents appropriately and timely filed its responses and/or cross-motions and/or motion to strike. The Board's Order concerning the parties' various motions is dated February 16, 2006.

“imperative” that the parties “complete the hearing process as soon as possible” and “provide the Board with the requested information”. This is a complete mischaracterization of the process. The Board did not “request” information in its Order. Rather, it directed the parties to proceed to hearing on certain issues, if appropriate. (Order, p. 16).

CONCLUSION

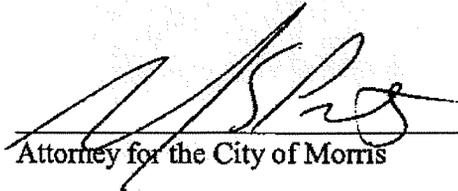
Based on the foregoing, Respondents Community Landfill Company and the City of Morris respectfully request that the Board and/or the Hearing Officer DENY Complainant’s Motion to Set Expedited Hearing Date of April 10-14, 2006 and set the matter for status sometime after April 17, 2006 to allow Respondents the opportunity to file any motions that are within its rights to do so.

Respectfully Submitted,



Attorney for Community Landfill Company

Mark A. LaRose
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Charles F. Helsten
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CERTIFICATE OF SERVICE

I, Clarissa C. Grayson, an attorney hereby certify that I served a copy of the foregoing **RESPONDENT'S COMMUNITY LANDFILL COMPANY AND THE CITY OF MORRIS' JOINT RESPONSE TO COMPLAINANT'S MOTION TO SET EXPEDITED HEARING DATE** by facsimile transmission from fax number (312) 642-0434 and by placing same in first-class postage prepaid envelopes and depositing same in the U.S. Mail Box located at 200 N. LaSalle Street, Chicago, Illinois, this 8th day of **March 2006**, addressed as follows:

BY FAX (312) 814-2549 & U.S. MAIL

Christopher Grant
Environmental Bureau
Assistant Attorney General
188 West Randolph Street
20th Floor
Chicago, Illinois 60601

BY FAX (815) 941-4677 & U.S. MAIL

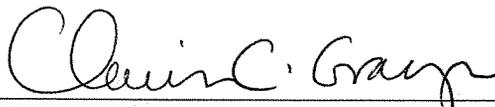
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BY HAND-DELIVERY

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Hearing Officer
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