

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.)

PCB No. 03-191
(Enforcement-Land)

to: Ms. Clarissa Grayson
La Rose & Bosco
200 N. La Salle Street, #2810
Chicago, Illinois 60601
(312)642-0434

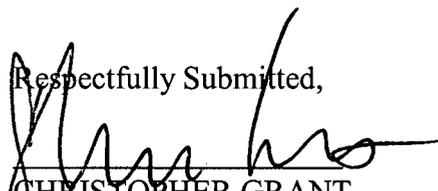
Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph, #2001
Chicago, IL 60601

Mr. Charles Helsten
Hinshaw & Culbertson
100 Park Avenue
Rockford IL 61105-1389
(815)490-4901

Mr. Scott Belt
105 East Main Street
Suite 206
Morris, Illinois 60450
(815)941-4677

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, May 31, 2007, filed with the Office of the Clerk of the Illinois Pollution Control Board, by electronic filing, Complainant's Response to Community Landfill Company's Motion for Reconsideration, a copy of which is attached and herewith served upon you.

Respectfully Submitted,
BY: 
CHRISTOPHER GRANT
Assistant Attorneys General
Environmental Bureau
188 W. Randolph St., 20th Flr:
Chicago, IL 60601
(312) 814-5388

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COMPLAINANT'S RESPONSE TO COMMUNITY LANDFILL COMPANY'S MOTION FOR RECONSIDERATION

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, and responds to Community Landfill Company's ("CLC's") Motion for Reconsideration, as follows:

I. INTRODUCTION

On May 17, 2007, the Board directed this matter to final hearing, stating that "...the Board will not grant any further extensions of time on this issue."¹ On May 18, 2007, CLC filed its Response ("Response") to the State's May 1, 2007 Motion, and, on May 29, 2007, its Motion for Reconsideration ("Motion"). Complainant respectfully requests that the Board affirm its ruling and reject any continued attempts by the Respondents to delay resolution of this matter.

II. CLC PROVIDES NO BASIS FOR EITHER RECONSIDERATION OR FURTHER DELAY IN HEARING

In its Motion, CLC (as does the City of Morris) claims that there is no "imminent threat

¹ slip op. at 3

to the environment”². However, the present situation at the Morris Community Landfill clearly poses a threat. Presently:

- 1) No closure/post closure financial assurance has been provided by either Respondent, despite the Board’s February 16, 2006 Order finding them in violation;
- 2) Closure of Parcel B of the Landfill is more than 10 years overdue, yet neither Respondent has indicated any willingness to initiate closure;
- 3) As shown by the Exhibits attached to the State’s Response to Morris’ Motion to Reconsider, methane gas exceedances are being discovered at the Landfill;³
- 4) In the pending Grundy County Circuit Court matter, the City of Morris is denying any legal responsibility for the Landfill, or the Landfill Gas Collection and Control System, despite the explicit conditions of 35 Ill. Adm. Code, Section 220⁴.
- 5) The State continues to expend litigation resources to correct Landfill maintenance problems. Trial in the Grundy County Circuit Court matter is set for October 29-31, 2007. The State has alleged thirty violations related to improper landfill gas control.

The Respondents should have provided compliant closure/post closure financial

² Even if such were the case, the existence of an “imminent and substantial endangerment” is not a requirement for proceeding to final hearing in an enforcement case. A violation has been found, and justice requires that the violations be remedied.

³The surface methane testing was required of the Respondents pursuant to a December, 2006 Circuit Court order. Illinois EPA is not being supplied with many reports required under the Respondents’ Bureau of Land and Bureau of Air Permits. It is possible that additional problems have not been disclosed.

⁴ The 220 regulations apply to “owners or operators of municipal solid waste landfills”. Morris is claiming that it is only the passive owner of land under the Landfill, not the ‘owner’ of the Landfill. An identical claim was rejected by the Board in its June 1, 2006 order affirming summary judgment.

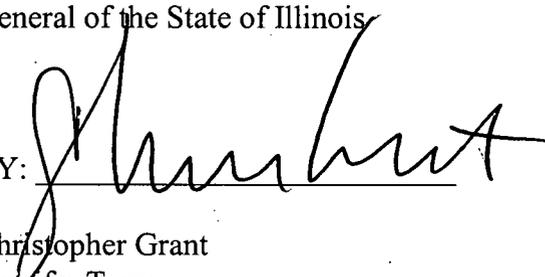
assurance following the Board's 2006 determination of violation. Instead, they continue their attempts to delay the Board's Final Order. The deteriorating situation at the Landfill, as well as the continuing violations, require immediate attention. Hearing on the sole issue of remedy must be conducted at the earliest possible date.

WHEREFORE, Complainant respectfully requests that the Board:

- 1) Deny Community Landfill Company's Motion for Reconsideration;
- 2) Order the Hearing Officer to establish a date for hearing on the issue of remedy against the Respondents;
- 3) Provide such other relief as the Board deems appropriate and just.

RESPECTFULLY SUBMITTED,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN, Attorney
General of the State of Illinois

BY: 

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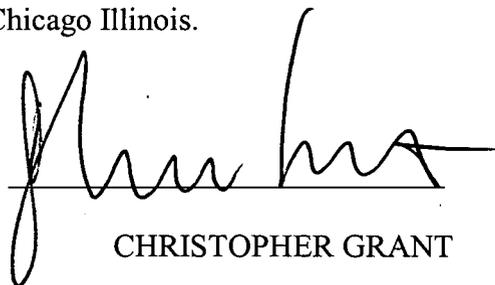
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CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 31st day of May, 2007, the foregoing Response to Community Landfill Company's Motion for Reconsideration, and Notice of Filing, upon the persons listed on said Notice by facsimile transmission, and by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago Illinois.


CHRISTOPHER GRANT