

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.) PCB No. 03-191
) (Enforcement)
COMMUNITY LANDFILL COMPANY,)
INC., an Illinois corporation, and)
the CITY OF MORRIS, an Illinois)
municipal corporation,)
)
Respondents.)

NOTICE OF FILING

TO: Christopher Grant
Environmental Bureau
Assistant Attorney General
69 West Washington
18th Floor
Chicago, Illinois 60602

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, Illinois 60601

Charles F. Helsten
Richard S. Porter
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 **July 27, 2009**, the undersigned caused to be filed electronically before The Illinois Pollution Control Board **COMMUNITY LANDFILL CO., INC.'S MOTION FOR RECONSIDERATION OF THE ILLINOIS POLLUTION CONTROL BOARD'S ORDER DATED JUNE 18, 2009** with the 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.

/s/ Clarissa Y. Cutler
One of the Attorneys for Community Landfill Co.

ELECTRONIC FILING - RECEIVED, CLERKS OFFICE, JULY 27, 2009

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State of Illinois,)
)
Petitioner,)
)
-vs-) PCB 03-191
) (Enforcement – Land)
COMMUNITY LANDFILL CO., an)
Illinois corporation, and)
the CITY OF MORRIS, an Illinois)
municipal corporation,)
)
Respondents.)

COMMUNITY LANDFILL CO., INC.'S MOTION FOR RECONSIDERATION OF THE ILLINOIS POLLUTION CONTROL BOARD'S ORDER DATED JUNE 18, 2009

Respondent, COMMUNITY LANDFILL CO., INC., by and through its attorneys Mark A. LaRose of LaRose & Bosco, Ltd. and Clarissa Y. Cutler, pursuant to 35 Ill. Adm. Code 101.520(a) and 101.902, hereby move the Illinois Pollution Control Board to reconsider its Order dated June 18, 2009, and in support thereof, states as follows:

1. On June 18, 2009, the Illinois Pollution Control Board issued an Opinion and Order of the Board in the above captioned matter. The Order is attached to Community Landfill Co., Inc.'s Memorandum in Support of its Motion for Reconsideration of the Illinois Pollution Control Board's Order Dated June 18, 2009.

2. Community Landfill Co., Inc.'s ("CLC") Motion to Reconsider the Illinois Pollution Control Board's Order Dated June 18, 2009 is timely filed pursuant to 35 Ill. Adm. Code 101.520(a), which allows a motion for reconsideration of an order by the Illinois Pollution Control Board ("Board") to be filed 35 days after receipt of an order. In the present matter, the Order was received via registered mail by CLC on June 22, 2009. This motion was timely filed

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on July 27, 2009.

3. For the reasons set forth in its Memorandum in Support of its Motion for Reconsideration of the Illinois Pollution Control Board's Order Dated June 18, 2009, CLC moves the Board for reconsideration and seeks a revised Order as follows:

A. In regard to its June 18, 2009 Order:

1. Order that a civil penalty against CLC in the amount of \$1,059,534.70 is vacated as not justified based on the clear factors in mitigation pursuant to Sections 33(c) and 42(h) of the Act as set forth above;

2. Order that the "affirmative" relief requiring CLC and the City, jointly and severally to post financial assurance in the amount of \$17,427,366 and submit revised cost estimates and updating financial assurance is vacated as not justified under Section 33 of the Act.

3. Alternatively, order that the timing of submitting cost estimates and financial assurance should be revised;

4. Order that if any monetary penalty is imposed, the Agency is precluded from making a claim on the Frontier bonds

B. In regard to its February 16, 2006 Order:

5. Order that Board mistakenly ruled that there were no genuine issues of material fact that adequate financial assurance was posted; and

6. Order that the Board erroneously applied offensive collateral estoppel to determine that any issues regarding the Frontier bonds have been resolved.

Respectfully submitted,

/s/ Clarissa Y. Cutler
One of the Attorneys for
COMMUNITY LANDFILL CO., INC.

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CERTIFICATE OF SERVICE

I, Clarissa Y. Cutler, an attorney, hereby certify that I caused to be served a copy of the foregoing **COMMUNITY LANDFILL CO., INC.'S MOTION FOR RECONSIDERATION OF THE ILLINOIS POLLUTION CONTROL BOARD'S ORDER DATED JUNE 18, 2009**, by electronically filing and by placing the same in the United States Mail, first-class postage prepaid, this 27th day of July 2009, addressed as follows:

Christopher Grant
Environmental Bureau
Assistant Attorney General
69 West Washington
18th Floor
Chicago, Illinois 60602

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