

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 **October 22, 2009**, the undersigned caused to be filed electronically before The Illinois Pollution Control Board **COMMUNITY LANDFILL CO., INC.'S MOTION FOR STAY PENDING APPEAL** 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/ Mark A. LaRose
One of the Attorneys for Community Landfill Co.

Mark A. LaRose
LaRose & Bosco, Ltd.
200 North LaSalle Street, Suite 2810
Chicago, Illinois 60601
(312) 642-4414

Clarissa Y. Cutler
Attorney at Law
155 North Michigan Avenue, Suite 375
Chicago IL 60601
(312) 729-5067

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> 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 STAY PENDING APPEAL

Respondent, COMMUNITY LANDFILL CO., INC. (CLC), by and through its attorneys Mark A. LaRose of LaRose & Bosco, Ltd. and Clarissa Y. Cutler, pursuant to Illinois Supreme Court Rule 335 and § 101.906(c) of the Board's General Rules, hereby moves the Board for a stay pending appeal for the following reasons:

1. Section 101.906(c) of the PCB General Rules provides that stays pending appeal are governed by Illinois Supreme Court Rule 335. Rule 335(g) states that a stay pending appeal shall ordinarily be sought in the first instance from the administrative agency.

2. The Illinois Supreme Court has addressed factors that should be considered in ruling on a motion for stay pending appeal. *Stacke v. Bates*, 138 Ill.2d 295, 304-05, 562 N.E.2d 192, 196 (1990). One consideration is "whether a stay is necessary to secure the fruits of the appeal in the event that the movant is successful." *Stacke*, 138 Ill.2d at 305, 562 N.E.2d at 196. Other equitable factors should be balanced, and include whether the *status quo* should be preserved, the respective rights of the litigants, and whether hardship on other parties would be

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imposed. *Stacke*, 138 Ill.2d at 305-06, 309, 562 N.E.2d at 196, 198. Another consideration is whether there is a "substantial case on the merits" (not likelihood of success on the merits), but this "should not be the sole factor." *Stacke*, 138 Ill.2d at 309, 562 N.E.2d at 198. Here, all factors favor a stay.

3. On June 18, 2009, the Board's final order included the following mandatory relief:

- 2) Within 60 days of the date of this order, on or before August 17, 2009, CLC and the City must, jointly and severally, post financial assurance in the amount of \$17,427,366.00 in such form(s) as meet the requirements of the 35 Ill. Adm. Code 811.700, and the current permits for the Morris Community Landfill (Landfill). Respondents may use any financial assurance mechanism, or combination of mechanisms acceptable to the IEPA under the Board's rules. Respondents' submission of any permit application for reduction of closure/post-closure costs to IEPA does not constitute compliance with this order.
- 3) Within 60 days of the date of this order, on or before August 17, 2009, CLC and the City must, jointly and severally, provide updated cost estimates for closure/post-closure care as meet the requirements of 35 Ill. Adm. Code 811.705(d).
- 4) Within 60 days of providing the update cost estimate required in paragraph 3), above, CLC and the City must, jointly and severally, upgrade the financial assurance for closure and post closure, as required by 35 Ill. Adm. Code 811.701.
- 5) Respondent CLC must pay a civil penalty of \$1,059,534.70 no later than Monday, August 17, 2009, which is the first business day after 60 days from the date of this order. Such payment must be made by certified check, money order, or electronic transfer of funds, payable to the Environmental Protection Trust Fund. The case number, case name, and CLC's federal employer identification number must be included on the certified check or money order.

* * * * *

- 8) Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2006)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2006)).

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- 9) Respondents must cease and desist from accepting any additional waste at the site, further violations of the Act and the Board's regulations.

(Board's June 18, 2009 Order at pp. 42-44)

4. On July 27, 2009, CLC moved to reconsider and on September 17, 2009, the Board issued an order denying CLC's motion to reconsider.

5. Pursuant to the motion for reconsideration and the Board's order denying same on September 17, 2009, the 60-day time frame for performance of the terms of the Board's order began to run anew on September 17, 2009 and accordingly, each respondent's deadline date for compliance is November 16, 2009.

6. Here, a stay is "necessary to secure the fruits of the appeal in the event that the movant is successful" and to preserve the status quo.

7. Ordering CLC, a closely-held corporation, to pay over \$1,000,000 in fines and to post over \$17,000,000 in financial assurance would render the appeal meaningless.

8. CLC's main arguments on appeal will be that the Board's order of any penalty, let alone a \$1,000,000 penalty was erroneous, and that the Board's order of \$17,000,000 in financial assurance was an order for affirmative injunctive relief that the Board is not authorized to make. These arguments would effectively be negated if CLC is required to post \$17,000,000 in financial assurance and pay over \$1,000,000 in fines pending the appeal of this matter.

9. Specifically regarding the financial assurance, CLC and the City of Morris have already complied with paragraph 3 of the Board's June 18, 2009 order (p. 43), by submitting updated cost estimates for closure and post-closure. (See Group Exhibit A attached, Letters from Shaw Environmental to IEPA dated August 17, 2009; Letter from Mark A. LaRose to IEPA dated October 9, 2009 providing the requested additional information; and Revised Cost Estimates for Post-Closure Care for Parcels A and B) Those estimates are substantially lower

than the \$17,000,000 in financial assurance ordered to be posted by the Board. Posting the financial assurance should at least await the IEPA's review and approval of the new closure/post-closure numbers.

10. Regarding the penalty, if CLC pays now, there is no easy process for the return of the funds if CLC prevails on appeal, and the State, currently in dire need of liquid funds, could spend the monies. While a court could order the State to return the funds, this could require a legislative appropriation or other complicated process. A stay should be entered in order to maintain the status quo. If the penalty is paid, then under the Act, those monies go to a special fund, the Environmental Protection Trust Fund. 415 ILCS 5/42(a); 30 ILCS 105/125.1. The disbursement of this fund is controlled by a commission of four persons, including the Attorney General, the Director of Natural Resources, the PCB Chairman, and the Director of the Environmental Protection Agency, 30 ILCS 105/125.1. These four persons have the right to approve grants and administer the funds on behalf of the State. *Id.* If this fund is inactive for 18 months or if discontinued by legislative action, the monies are transferred to the General Revenue Fund. 30 ILCS 105/5.102. The Illinois Legislature also may order the transfer of monies from the Environmental Protection Trust Fund into the General Revenue Fund. For example, starting July 1, 2006, the Legislature ordered that \$2,228,031 be transferred to the General Revenue Fund. 30 ILCS 105/8.44. Put a different way, there is no simple way to recover money from the State.

11. There is no real urgency to this matter. Even though the formal case in the Pollution Control Board was filed six years ago in 2003, the issues regarding financial assurance go back more than 13 years to August 1996 when the appellate court granted CLC and the City of Morris leave to file a significant modification application. The issue of submission and the

amount of financial assurance from that time on has been the subject of permit applications, revised permit applications, permit appeals, pollution control board cases, and two cases before the Illinois Appellate Court. Allowing this matter to proceed through its final stage in the Illinois Appellate Court will not present any further harm or threat to the public or the environment. The fact that the matter has been litigated for 13 years and lingering in the Pollution Control Board for more than six years, belies any urgency to the payment of the fine or resubmission of financial assurance.

12. The Board must also recognize that \$17,000,000 in financial assurance is still in place by way of the Frontier bonds that the state has made claims on. If the \$17,000,000 in financial assurance is no good, why did the state make the claims? It is not like there is no financial assurance in place.

13. The *status quo* would be preserved by a stay.

14. The respective rights of the litigants would not be effective and there would not be any hardship imposed on any other parties. The stay would merely postpone the effect of the Board's order pending appeal. If the state is successful on appeal, the Board's order will be in full force and effect and therefore, will have no adverse effect on the state. To the contrary, there would be an extensive adverse effect on the City and CLC if the penalties and financial assurance requirements were imposed pending appeal.

15. Additionally, a stay is also warranted by the fact that the purpose of financial assurance is "for closure and post-closure care of the site." 35 Ill. Adm. Code §811.700(c). Here, closure is not imminent. Indeed, this Board expressly declined to order the closure of Parcel B (June 18, 2009 Order, p. 3). The purpose of financial assurance is to provide a financial vehicle in the event that there is a future need for finances when the landfill is closed, and during post-

closure case. This requirement is not to provide finances for a present need. Because the purpose of financial assurance is to provide a vehicle for funding based on a contingent future need, there is no harm in staying the requirement to post financial assurance, pending outcome of the appeal.

16. An additional factor is that there is a substantial case on the merits. *Stacke*, 138 Ill.2d at 309, 562 N.E.2d at 198. This is not the same as likelihood of success on the merits, and is only one consideration, not the "sole factor." *Id.* This Board is familiar with CLC's position through its post-hearing briefs and briefs submitted in support of its Motion to Reconsider, adopted and incorporated herein by reference. While this Board did not agree with CLC's position, it cannot be said that there is not a substantial case on the merits.

17. For all the reasons discuss herein, a stay is necessary in this case. The United States Supreme Court recently explained why stays pending appeal are necessary.

It takes time to decide a case on appeal. Sometimes a little; sometimes a lot. "No court can make time stand still" while it considers an appeal, *Scripps-Howard Radio, Inc. v. FCC*, 316 U.S. 4, 9 (1942), and if a court takes the time it needs, the court's decision may in some cases come too late for the party seeking review. That is why it "has always been held, . . . that as part of its traditional equipment for the administration of justice, a federal court can stay the enforcement of a judgment pending the outcome of an appeal." *Id.*, at 9-10 (footnote omitted). A stay does not make time stand still, but does hold a ruling in abeyance to allow an appellate court the time necessary to review it.

Niken v. Holder, 129 S.Ct. 1749, 1754, 173 L.Ed.2d 550 (2009) (holding a court's inherent authority to stay pending appeal and the traditional factors apply, not the demanding standards of 8 U.S.C. § 1252(f)(2)).

CONCLUSION

For the foregoing reasons, Community Landfill Co. requests that the Board stay its order pending appeal and grant such other relief as the Board deems proper.

Respectfully submitted,

/s/ Mark A. LaRose
One of the Attorneys for
COMMUNITY LANDFILL CO., INC.

Mark A. LaRose
LaRose & Bosco, Ltd.
200 North LaSalle Street, Suite 2810
Chicago IL 60601
(312) 642-4414

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Attorney at Law
155 North Michigan Avenue
Suite 375
Chicago IL 60601
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A World of Solutions™

August 17, 2009

Stephen F. Nightingale, P.E.
Permit Section Manager
Illinois Environmental Protection Agency
Bureau of Land
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Re: Site ID No. 0630600001
Morris Community Landfill - Parcel A (Permit No. 200-155-LFM)

Dear Mr. Nightingale:

Shaw Environmental (Shaw) is submitting this permit application to revise closure and post-closure cost estimates for the Morris Community Landfill - Parcel A. The narrative below and the included attachments provide explanation of the closure and post-closure cost estimate revisions and all supporting documentation. The original and 4 copies are provided; the appropriate IEPA forms are provided in Attachment 1.

Narrative

Shaw has revised the closure and post-closure cost estimates for Morris Community Landfill - Parcel A. The revised cost estimates represent the most current costs required to complete closure of Parcel A and to fund post closure care activities as required by the applicable regulations. Tables summarizing the tasks and costs associated with the closure and post-closure care of Parcel A are included in Attachment 2. The closure and post-closure care cost tables include both the quantities required along with the appropriate unit costs and references for the unit costs.

An operating plan supporting the revised closure and post-closure cost estimates for Parcel A has been developed and is included in Attachment 3.

On November 14, 1994, the City of Morris passed an ordinance that prohibited the disposal of any waste material with the exception of inert C&D materials. This ordinance is provided in Attachment 4. Since Parcel A unit has taken only inert waste, therefore the applicable regulations are 35 Ill. Adm. Code Subpart A (811.100) and Subpart B (811.200).

The closure and post-closure care cost estimates include a revised final cover design that meets the requirements of 35 Ill. Adm. Code 811.204. Additionally, the post-closure cost for 100 years of groundwater treatment has been removed since 35 Ill. Adm. Code 811.317 is no longer applicable.

Group
Exhibit A

Mr. Stephen Nightingale
IEPA - Bureau of Land

Page 2 of 2
August 17, 2009

Groundwater, leachate and perimeter landfill gas probe sampling are included in the post-closure cost estimates even though not required by the regulations. This additional sampling will be an additional safety factor to ensure protection of the public health, welfare and safety.

We look forward to working with the IEPA to resolve all the of IEPA concerns with this permit application in a timely manner. If you have any questions, please contact me at (630) 762-1400.

Sincerely,

Shaw Environmental, Inc.



Jesse Varsho, P.E., P.G.
Project Manager

cc: Mayor Richard Kopczick - City of Morris
Chuck Helsten - Hinshaw & Culberston



Shaw Environmental, Inc.

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August 17, 2009

Stephen F. Nighthingale, P.E.
Permit Section Manager
Illinois Environmental Protection Agency
Bureau of Land
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Re: Site ID No. 0630600001
Morris Community Landfill - Parcel B (Permit No. 200-156-LFM)

Dear Mr. Nighthingale:

Shaw Environmental (Shaw) is submitting this permit application to revise closure and post-closure cost estimates for the Morris Community Landfill - Parcel B. The narrative below and the included attachments provide explanation of the closure and post-closure cost estimate revisions and all supporting documentation. The original and 4 copies are provided; the appropriate IEPA forms are provided in Attachment 1.

Narrative

Shaw has revised the closure and post-closure cost estimates for Morris Community Landfill - Parcel B. The revised cost estimates represent the most current costs required to complete closure of Parcel B and to fund post closure care activities as required by the applicable regulations. Tables summarizing the tasks and costs associated with the closure and post-closure care of Parcel B are included in Attachment 2. The closure and post-closure care cost tables include both the quantities required along with the appropriate unit costs and references for the unit costs.

An operating plan supporting the revised closure and post-closure cost estimates for Parcel B has been developed and is included in Attachment 3.

The revised closure and post-closure cost estimates for Parcel B do not include costs for 100 years of leachate treatment. Under 35 Ill. Adm. Code 814.402, landfills that initiate closure within seven years of January 13, 1994 are exempt from developing a groundwater impact assessment.

Parcel B of Morris Community Landfill initiated closure activities within this seven year time period and is therefore exempt from developing a groundwater impact assessment model. Documentation of the placement of the final cover prior to 2000 is provided in Attachment 4. Additionally, Parcel B has not received waste since the early 1990s.

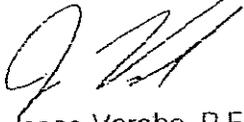
Mr. Stephen Nightingale
IEPA - Bureau of Land

Page 2 of 2
August 17, 2009

We look forward to working with the IEPA to resolve all the of IEPA concerns with this permit application in a timely manner. If you have any questions, please contact me at (630) 762-1400.

Sincerely,

Shaw Environmental, Inc.

A handwritten signature in black ink, appearing to read 'J Varsho', is written over the printed name.

Jesse Varsho, P.E., P.G.
Project Manager

cc: Mayor Richard Kopczick - City of Morris
Chuck Helsten - Hinshaw & Culberston

THE LAW OFFICES OF
LAROSE & BOSCO, LTD.

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OF COUNSEL

HON. ANTHONY J. BOSCO (1928-2008) October 9, 2009
JOSEPH G. ALIOTO**
CLARISSA Y. CUTLER*

135 S. WHITTAKER
NEW BUFFALO, MI 49117
(269) 469-8440
FAX (269) 469-8442

*ADMITTED IN MICHIGAN ALSO
**ADMITTED IN WISCONSIN ONLY

By Federal Express

Illinois Environmental Protection Agency
Bureau of Land - #33
Permit Section
1021 North Grand Avenue East
Springfield, IL 62794-9276
ATTN: Mr. Stephen F. Nightingale, P.E.

**Re: 0630600001 – Grundy County
 Community Landfill – Parcel A
 Log No. 2009-424
 Permit Landfill 810-817 File
 Permit DOI**

Dear Mr. Nightingale:

We are in receipt of your letter dated September 15, 2009 (copy enclosed) requesting additional information to complete the permit application submitted by Shaw Environmental, Inc. on August 17, 2009, and received by the IEPA on August 18, 2009 in the above matter. Please note we are enclosing the requested information for both **Parcel A** and **Parcel B** as follows:

Parcel A

•An original and 3 copies of the signature page to the General Application Permit (LPC-PA1). This page has been signed and dated by the operator and his signature has been notarized.

•An original and 3 copies of the Certification of Authenticity of Official Forms (to be inserted as the last page of "Attachment 1"). This page has been signed and dated by the operator and his signature has been notarized.

Illinois Environmental Protection Agency
October 9, 2009
Page 2 of 2

Parcel B

•An original and 3 copies of the signature page of the General Application Permit (LPC-PA1). This page has been signed and dated by the operator and his signature has been notarized.

•An original and 3 copies of the Certification of Authenticity of Official Forms (to be inserted as the last page of "Attachment 1"). This page has been signed and dated by the operator and his signature has been notarized.

Pursuant to your letter, we have marked this additional information "revised 10/9/09" on the bottom, right hand corner of each of the pages. For your convenience, we have also enclosed copies of the August 17, 2009 cover letters which were submitted with each of the permit applications (Parcel A and Parcel B).

We trust that the above information satisfies the deficiency noted in your September 15, 2009 correspondence. If you have any questions regarding this submittal, please feel free to contact me.

Very truly yours,


Mark A. LaRose

MAL/mk
Enclosures

cc: Community Landfill Co.
Mr. Scott Belt (by fax (815) 941-4677)
Mr. Charles F. Helsten (by fax (815) 490-4901)
Mr. Jesse Varsho, P.E., P.G., Shaw Environmental, Inc. (by fax (630) 762-1402)



1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/524-3300

September 15, 2009

Certified Mail
7002 3150 0000 1111 1018
7002 3150 0000 1111 1025

OWNER

City of Morris
Attn: Mayor Richard Kopczick
320 Wauponsee Street
Morris, Illinois 60450

OPERATOR

Community Landfill Company
Attn: Mr. Robert J. Pruim
1501 S. Ashley Road
Morris, Illinois 60450

Re: 0630600001 -- Grundy County
Community Landfill -- Parcel A
Log No. 2009-424
Permit Landfill 810-817 File
Permit DOI

Dear Mayor Kopczick and Mr. Pruim:

Pursuant to 35 IAC 813.103(b), the Illinois Environmental Protection Agency has reviewed, for purposes of completeness only, the application referenced above, dated August 17, 2009 and received August 18, 2009. This review has revealed that the application does not contain the information described below and therefore is incomplete. This determination of incompleteness is based on the omission of the following item(s):

1. The application was not signed by the operator. Pursuant to 35 IAC Section 812.104, all permit applications shall be signed by a duly authorized agent of the operator and property owner.

Within 35 days after the date of mailing of this Illinois EPA final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

If you submit additional information addressing the deficiencies identified within 35 days of the date of this letter, the Illinois EPA shall review it for completeness in conjunction with the information contained in the application deemed incomplete. If additional information is submitted, this new application will be considered to have been filed on the day that the additional information was received by the Illinois EPA. Please be aware that any additional information should:

Page 2

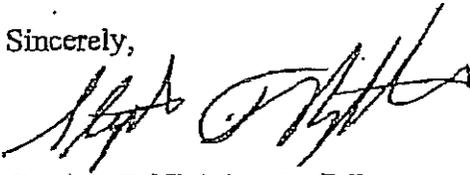
- ✓ 1. be in a format which allows incorporation of the new information into the appropriate sections of the current application;
- ✓ 2. include a cross-reference indicating where in the new information each deficiency, identified above, has been addressed;
- ✓ 3. have the date of the revision on each page and on each drawing;
- ✓ 4. include an original and at least three copies; and
- ✓ 5. be submitted to the address below.

Illinois Environmental Protection Agency
Bureau of Land -- #33
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

If you do not submit additional information within 35 days, you will need to submit a new permit application in its entirety.

If you have any questions regarding this letter, please contact Christine Roque at 217/524-3299.

Sincerely,



Stephen F. Nightingale, P.E.
Manager, Permit Section
Bureau of Land

CJL
SFN:CMR\bjh\091132s.doc

cc: Jesse P. Varsho, P.E. - Shaw Environmental, Inc.

Site I.D. No. 0630600001

MORRIS COMMUNITY LANDFILL – PARCEL A
(Permit No. 200-155-LFM)

**ADDITIONAL INFORMATION
SUBMITTED 10/9/09**

- An original and 3 copies of the signature page to the General Application Permit (LPC-PA1). This page has been signed and dated by the operator and his signature has been notarized.
- An original and 3 copies of the Certification of Authenticity of Official Forms (to be inserted as the last page of "Attachment 1"). This page has been signed and dated by the operator and his signature has been notarized.

IV. COMPLETENESS REQUIREMENTS

The following items must be checked Yes, No or N/A. Each item will be reviewed by the log clerk. Blank items will result in rejection of the application. Please refer to the instructions for further guidance.

- 1. Have all required public notice letters been mailed in accordance with the LPC-PA16 instructions? [X] Yes [] No [] N/A
2. a. Is the Siting Certification Form (LPC-PA8) completed and enclosed? [] Yes [] No [X] N/A
b. Is siting approval currently under litigation? [] Yes [] No [X] N/A
3. a. Is a closure, and if necessary a post closure, plan covering these activities being submitted, or
b. has one already been approved? (Provide permit number 2000-155-LFM) [X] Yes [] No [] N/A
4. a. For waste disposal sites only: Has any employee, owner, operator, officer or director of the owner or operator had a prior conduct certification denied, canceled or revoked? [] Yes [X] No [] N/A
b. Have you included a demonstration of how you comply or intend to comply with 35 Ill. Adm. Code Part 745? [] Yes [X] No [] N/A
5. a. Is land ownership held in beneficial trust? [] Yes [X] No [] N/A
b. If yes, is a beneficial trust certification form (LPC-PA9) completed and enclosed? [] Yes [] No [X] N/A
6. a. Does the application contain information or proposals regarding the hydrogeology; groundwater monitoring, modeling or classification; a groundwater impact assessment; or vadose zone monitoring for which you are requesting approval? [] Yes [X] No [] N/A
b. If yes, have you submitted a third (3rd) copy of the application (4 total) and supporting documents? [] Yes [X] No [] N/A

V. SIGNATURES (Original signatures required. Signature stamps or applications transmitted electronically or by facsimile are not acceptable.)

All applications shall be signed by the person designated below as a duly authorized representative of the owner and or operator. Corporation - By a principal executive officer of at least the level of vice-president. Partnership or Sole Proprietorship - By a general partner or the proprietor, respectively. Government - By either a principal executive officer or a ranking elected official.

A person is a duly authorized representative of the owner and operator only if:
1. They meet the criteria above or the authorization has been granted in writing by a person described above; and
2. is submitted with this application (a copy of a previously submitted authorization can be used).

I hereby affirm that all information contained in this Application is true and accurate to the best of my knowledge and belief.
I do herein swear that I am a duly authorized representative of owner/operator and I am authorized to sign this permit application form.

Owner Signature: [Signature] Title: Mayor Date: 8-17-09
Owner FEIN or S.S. Number: 36-3158585

Operator Signature: [Signature] Title: PRESIDENT Date: 10-9-09
Operator FEIN or S.S. Number: 36-3158585

Notary: Subscribe and sworn before me this 17 day of August 2009
Notary Signature: [Signature] Notary Seal: [Seal] My commission expires on: 11-17-09

Engineer Signature: [Signature] Title: Project Manager Date: 8-13-09
Engineer Address: 1607 E. Main St. St. Charles, IL 60174
Engineer Seal: [Seal]

Engineer Phone No. 630 762-1400
OFFICIAL SEAL LORRAINE M DUNLAP Notary Public - State of Illinois My Commission Expires May 20, 2011

All information submitted as part of the Application is available to the public except when specifically designated as confidential in accordance with Section 700 of the Environmental Protection Act or applicable Rules and Regulations of the Illinois Pollution Control Board and the Illinois EPA rules and guidelines.

"Revised"



Illinois Environmental Protection Agency

Bureau of Land 1021 North Grand Avenue East Box 19276 Springfield, IL 62794-9276

Certification of Authenticity of Official Forms

This form must accompany any application submitted to the Illinois EPA Bureau of Land, Division of Land Pollution Control, Permit Section on forms other than the official copy printed and provided by the Illinois EPA. The only allowed changes to the form are in spacing, fonts, and the addition of the information provided. Any additions must be underlined. The forms would not be considered identical if there is any change to, addition or deletion of words on the form or to the language of the form.

The same individuals that sign the application form it accompanies must sign the following certification.

I hereby certify under penalty of law that I have personally examined, and am familiar with the application form or forms and all included supplemental information submitted to the Illinois EPA herewith, and that the official Illinois Environmental Protection Agency application form or forms used herein is or are identical in all respects to the official form or forms provided by the Illinois EPA Bureau of Land Permit Section, and has not or have not been altered, amended, or otherwise modified in any way. I further certify under penalty of law that any attached or included electronic data version of the application form or forms complies with the official Illinois EPA's Electronic version thereof, and is or are identical in all respects to the official electronically downloadable form or forms provided by the Illinois EPA Bureau of Land Permit Section, and has not or have not been altered, amended or otherwise modified in any way.

Owner Signature: [Handwritten Signature]

8-17-09 (date)

Title: [Handwritten Signature]

Operator Signature: [Handwritten Signature]

10-9-09 (date) [Notary Seal: MARY KARSON, MY COMMISSION EXPIRES FEBRUARY 17, 2013]

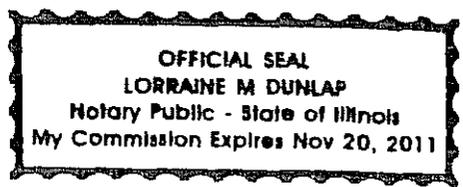
Title: PRESIDENT

Engineer Signature (if necessary): [Handwritten Signature]

9-13-09 (date) [Notary Seal: LICENSED PROFESSIONAL ENGINEER, JESSE PAUL VARSHO, 062-059069, STATE OF ILLINOIS]

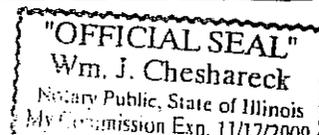
Subscribed and Sworn to Before Me, a Notary Public in and for the above-mentioned County and State.

Notary Public: [Handwritten Signature] My Commission Expires: 11/20/2011



[Notary Seal]

Wm J Cheshareck 8-17-09



Revised 10-9-09

Site I.D. No. 0630600001

MORRIS COMMUNITY LANDFILL – PARCEL B
(Permit No. 200-156-LFM)

ADDITIONAL INFORMATION
SUBMITTED 10/9/09

- An original and 3 copies of the signature page to the General Application Permit (LPC-PA1): This page has been signed and dated by the operator and his signature has been notarized.
- An original and 3 copies of the Certification of Authenticity of Official Forms (to be inserted as the last page of "Attachment 1"). This page has been signed and dated by the operator and his signature has been notarized.

IV. COMPLETENESS REQUIREMENTS

The following items must be checked Yes, No or N/A. Each item will be reviewed by the log clerk. Blank items will result in rejection of the application. Please refer to the instructions for further guidance.

- 1. Have all required public notice letters been mailed in accordance with the LPC-PA16 instructions?
2. a. Is the Siting Certification Form (LPC-PA8) completed and enclosed?
b. Is siting approval currently under litigation?
3. a. Is a closure, and if necessary a post closure, plan covering these activities being submitted, or
b. has one already been approved?
4. a. For waste disposal sites only: Has any employee, owner, operator, officer or director of the owner or operator had a prior conduct certification denied, canceled or revoked?
b. Have you included a demonstration of how you comply or intend to comply with 35 Ill. Adm. Code Part 745?
5. a. Is land ownership held in beneficial trust?
b. If yes, is a beneficial trust certification form (LPC-PA9) completed and enclosed?
6. a. Does the application contain information or proposals regarding the hydrogeology, groundwater monitoring, modeling or classification; a groundwater impact assessment; or vadose zone monitoring for which you are requesting approval?
b. If yes, have you submitted a third (3rd) copy of the application (4 total) and supporting documents?

V. SIGNATURES (Original signatures required. Signature stamps or applications transmitted electronically or by facsimile are not acceptable.)

All applications shall be signed by the person designated below as a duly authorized representative of the owner and/or operator. Corporation - By a principal executive officer of at least the level of vice-president. Partnership or Sole Proprietorship - By a general partner or the proprietor, respectively. Government - By either a principal executive officer or a ranking elected official.

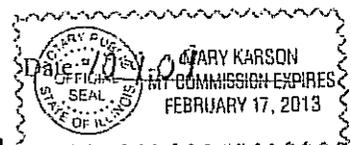
A person is a duly authorized representative of the owner and operator only if: 1. They meet the criteria above or the authorization has been granted in writing by a person described above; and 2. is submitted with this application (a copy of a previously submitted authorization can be used).

I hereby affirm that all information contained in this Application is true and accurate to the best of my knowledge and belief.

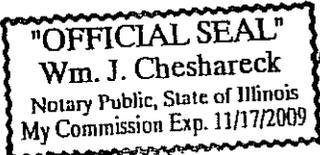
I do herein swear that I am a duly authorized representative of owner/operator and I am authorized to sign this permit application form.

Owner Signature: [Signature] Title: Mayor Date: 8-17-09
Owner FEIN or S.S. Number: 36-600-6005

Operator Signature: [Signature] Title: PRESIDENT
Operator FEIN or S.S. Number: 36-3158585



Notary: Subscribe and sworn before me this 17 day of August 2009
Notary Signature: [Signature] Notary Seal:
My commission expires on: 11-17-2009



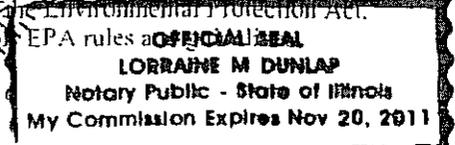
Engineer Signature: [Signature] Title: Project Manager Date: 8-13-09
Engineer Address: 1607 E. Main Street, St. Charles, IL 60174
Engineer: [Signature] Title: Professional Engineer Date: 8-17-09



[Signatures and stamps for Mary Karson and Lorraine M. Dunlap, Notary Public - State of Illinois, Commission Expires Nov 20, 2011.]

Engineer Phone No. 630 760-1400

All information submitted as part of the Application is available to the public except when specifically designated by the Applicant to be treated confidentially as a trade secret or secret process in accordance with Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable US and EPA rules.



Received 10-9-09



Illinois
Environmental
Protection Agency

Bureau of Land
1021 North Grand Avenue East
Box 19276
Springfield, IL 62794-9276

Certification of Authenticity of Official Forms

This form must accompany any application submitted to the Illinois EPA Bureau of Land, Division of Land Pollution Control, Permit Section on forms other than the official copy printed and provided by the Illinois EPA. The only allowed changes to the form are in spacing, fonts, and the addition of the information provided. Any additions must be underlined. The forms would not be considered identical if there is any change to, addition or deletion of words on the form or to the language of the form.

The same individuals that sign the application form it accompanies must sign the following certification.

I hereby certify under penalty of law that I have personally examined, and am familiar with the application form or forms and all included supplemental information submitted to the Illinois EPA herewith, and that the official Illinois Environmental Protection Agency application form or forms used herein is or are identical in all respects to the official form or forms provided by the Illinois EPA Bureau of Land Permit Section, and has not or have not been altered, amended, or otherwise modified in any way. I further certify under penalty of law that any attached or included electronic data version of the application form or forms complies with the official Illinois EPA's Electronic version thereof, and is or are identical in all respects to the official electronically downloadable form or forms provided by the Illinois EPA Bureau of Land Permit Section, and has not or have not been altered, amended or otherwise modified in any way.

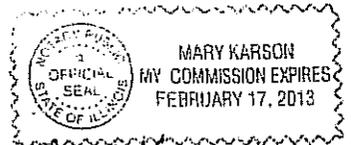
Robert P. Kozdzick
Owner Signature

8-17-09
(date)

Mayor
Title

Robert Pruitt
Operator Signature

10-9-09
(date)



*Mary Karson
Notary Public for
Robert Pruitt 10-9-09*

PRESIDENT
Title

J. Paul
Engineer Signature
(if necessary)

8-13-09
(date)



Subscribed and Sworn to Before Me,
a Notary Public in and for the
above-mentioned County and State.

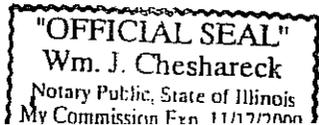
Lorraine M Dunlap
Notary Public for *Jesse P Varsho*



My Commission Expires: 11/20/2011

[Notary Seal]

*Wm J Cheshareck 8-17-09
for Robert P. Kozdzick*



*"Revised
10-9-09"*

Morris Community Landfill - Parcel A Revised Cost Estimates for Post-Closure Care	
Description	Cost
Closure Costs:	
- Leachate Management System	\$624,671
- Final Cover Construction, Stormwater Management, and IEPA Certification	\$1,480,856
Add 3% Contingency	\$63,166
Subtotal:	\$2,105,526
Post Closure Costs (includes 3% contingency)	\$1,269,473
Totals:	\$3,374,999

Morris Community Landfill - Parcel B Revised Cost Estimates for Post-Closure Care	
Description	Cost
Closure Costs:	
- Groundwater Monitoring Wells	\$38,960
- Leachate Management System	\$16,049
- Final Cover Construction, Stormwater Management, and IEPA Certification	\$3,868,020
Add 3% Contingency	\$117,540.89
Subtotal:	\$3,884,069
Post Closure Costs (Includes 3% contingency)	\$1,446,754
Totals:	\$5,330,823

CERTIFICATE OF SERVICE

I, Mark A. LaRose, an attorney, hereby certify that I caused to be served a copy of the foregoing **COMMUNITY LANDFILL CO., INC.'S MOTION FOR STAY PENDING APPEAL**, by electronically filing and by placing the same in the United States Mail, first-class postage prepaid, this 22nd day of October, 2009, addressed as follows:

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

/s/ Mark A. LaRose
One of the Attorneys for Community Landfill Co.

Mark A. LaRose
LaRose & Bosco, Ltd.
200 North LaSalle Street, Suite 2810
Chicago, Illinois 60601
(312) 642-4414

Clarissa Y. Cutler
Attorney at Law
155 North Michigan Avenue, Suite 375
Chicago IL 60601
(312) 729-5067