

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PEOPLE OF THE STATE OF ILLINOIS)

NOV 09 2005

Complainant,)

STATE OF ILLINOIS
Pollution Control Board

vs.)

Case No. PCB 03-191

COMMUNITY LANDFILL COMPANY, INC.,)

an Illinois corporation, and the CITY OF)

MORRIS, an Illinois municipal corporation.)

Respondents.)

CITY OF MORRIS' MOTION FOR LEAVE TO FILE REPLY INSTANTER

NOW COMES, Respondent, CITY OF MORRIS, by and through its attorneys, HINSHAW & CULBERTSON LLP, and hereby moves that Hearing Officer Halloran, or the Board, to accept the attached Reply of the Response filed by the People of the State of Illinois to this Respondent's Motion for Summary Judgment, instanter, and in support thereof, states as follows:

1. The State of Illinois has mischaracterized and mislead the Illinois Pollution Control Board concerning a variety of issues, including the law which excludes any unit of local government from the financial assurance requirements unless the local government conducted a disposal operation after April 9, 1997.

2. The State has also erroneously indicated that the listing of a municipality on permits issued before the passage of Section 811 of the Illinois Administrative Code is somehow dispositive that a municipality was conducting a disposal operation, in direct contravention of Illinois Appellate Court and Illinois Pollution Control Board decisions. The misrepresentations by the State of Illinois could result in material prejudice, and, therefore, the Respondent requests the Hearing Officer or the Board grant it leave to file the attached reply instanter.

3. The City of Morris presented an oral motion to Hearing Officer Halloran seeking leave to file a reply by November 9, 2005. That motion was granted. This written motion is being filed merely to preserve the record as the oral motion for leave was already granted.


WHEREFORE, Respondent, CITY OF MORRIS, prays that the Illinois Pollution Control Board or Hearing Officer Halloran grant this motion to file the attached reply instantler.

Dated: 11-8, 2005

Respectfully Submitted,

On behalf of the CITY OF MORRIS

By: Hinshaw & Culbertson LLP


Richard S. Porter
One of Attorneys

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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 November 8, 2005, she served a copy of the foregoing upon:

Documents Sent Via Overnight Mail to:

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

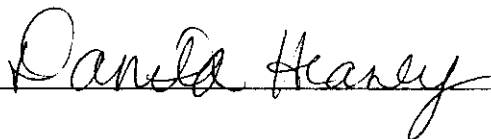
Documents Sent Via Overnight Mail to:

Clarissa Grayson
LaRose & Bosco, Ltd.
200 N. LaSalle, Suite 2810
Chicago, IL 60601

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

Bradley Halloran
Hearing Officer
Pollution Control Board
100 W. Randolph, Suite 11
Chicago, IL 60601

Via overnight mail from Rockford, Illinois, addressed as above.



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