

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.)

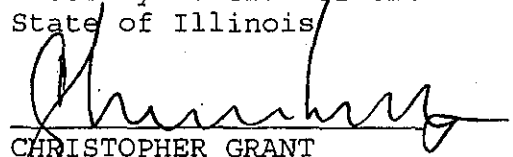
PCB No. 03-191
(Enforcement-Land)

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, March 6, 2006, filed with the Office of the Clerk of the Illinois Pollution Control Board, by electronic filing, Complainant's Motion to Set Expedited Hearing Date, a copy of which is attached and herewith served upon you.

Respectfully submitted,
PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN
Attorney General of the
State of Illinois

BY:


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

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PEOPLE OF THE STATE OF ILLINOIS,)	
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an Illinois corporation, and)	
the CITY OF MORRIS, an Illinois)	
municipal corporation,)	
)	
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MOTION TO SET EXPEDITED HEARING DATE

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and hereby moves the Hearing Officer to set April 10-14, 2006 as the dates for hearing on remedy in this Matter. Complainant requests that the Hearing Officer discuss and rule on this Motion at the scheduled status on March 9, 2006. In support of its request, Complainant states as follows:

1. On July 21, 2005. Complainant filed its Motion for Summary Judgment ("Motion"). Partially because of cross-motions, and extensions granted for briefs and responses, the Board did not issue its decision on Complainant's Motion until February 16, 2006.

2. In its Motion, Complainant had sought both a finding of violation and interim relief, *inter alia*, in the form of an Order stopping disposal of materials at the Morris Community Landfill until such time that compliant closure/post closure financial assurance had been provided. Although the Board has now found

that the Respondents have violated the Act and Board regulations, as alleged in the Complaint, the Board denied Complainant's request for interim relief. The Board stated that it would "consider factors such as the duration of violations..." in a remedy analysis following hearing (February 16, 2006 Board Order, p. 13).

3. Complainant believes that the Board should address these factors, and grant such relief as it deems appropriate, as soon as possible. In essence, the Board has now determined that the Respondents have illegally conducted waste disposal operations in violation of Section 21(d)(2), and 35 Ill. Adm. Code Sections 811.700(f), and 811.712(b). However the Board declined to stop this illegal waste disposal until after hearing on issues such as continued violations, and the Section 33(c) and 42(h) factors. A hearing on remedy is not scheduled at this point.

4. It is contrary to the law, and sound environmental policy, to allow illegal waste disposal operations any longer than absolutely necessary. It is imperative that the parties complete the hearing process as soon as possible, and thus provide the Board with the requested information. Complainant therefore requests that the Hearing Officer set an expedited date for hearing on remedy.

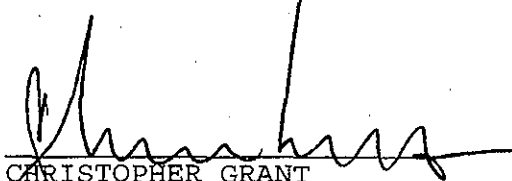
5. Two of the parties in this matter are already committed to appear for hearing in Grundy County on April 10 through April

14, 2006, in the case *People v Community Landfill Company, et al*, PCB 97-193/PCB 04-207. However, in that matter the Respondents' Motion for Summary Judgement is pending before the Board, and resolution of Respondents' Motion may delay the scheduled hearing. Complainant therefore requests that hearing on remedy in this matter be scheduled for these dates, and that hearing on the related CLC case be rescheduled.

WHEREFORE, Complainant respectfully requests that the Hearing Officer recognize the urgency of coming to final decision on this matter, and set the date for a hearing on remedy for April 10-14, 2006.

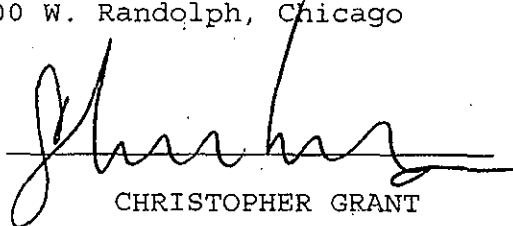
RESPECTFULLY SUBMITTED,

BY:


CHRISTOPHER GRANT
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Flr.
Chicago, Illinois 60601
(312) 814-5388

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 6th day of March, 2006, the foregoing Motion to Set Expedited Hearing Date, and Notice of Filing, upon the persons listed below, 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

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