

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,,)

Complainant,)

v.)

PCB No. 03-191

COMMUNITY LANDFILL COMPANY, INC.,)
an Illinois Corporation, and CITY OF MORRIS,)
an Illinois Municipal Corporation,,)

Respondents.)

NOTICE OF FILING

TO: All counsel of Record (see attached Service List)

Please take notice that on August 31, 2009, the undersigned electronically filed the

**CITY'S MOTION FOR LEAVE TO FILE A REPLY TO THE STATE'S
RESPONSE OPPOSING THE CITY'S MOTION FOR
RECONSIDERATION, AND ATTACHED REPLY BRIEF**

with the Illinois Pollution Control Board, 100 West Randolph Street, Chicago, Illinois 60601.

Dated: August 31, 2009

Respectfully submitted,

On behalf of the CITY OF MORRIS

/s/ Charles F. Helsten

One of Its Attorneys

Charles F. Helsten
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P.O. Box 1389
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

COMMUNITY LANDFILL COMPANY, INC.,
an Illinois Corporation, and the CITY OF
MORRIS, an Illinois Municipal Corporation,

Respondents.

PCB No. 03-191

**CITY OF MORRIS'S MOTION FOR LEAVE TO FILE A REPLY TO THE STATE'S
RESPONSE OPPOSING THE CITY'S MOTION FOR RECONSIDERATION**

NOW COMES the Respondent, CITY OF MORRIS, by and through its attorneys, HINSHAW & CULBERTSON, LLP, and pursuant to 35 Ill.Adm.Code 101.500(e), seeks leave to reply to the State's response brief opposing the City's Motion for Reconsideration, stating as follows:

1. On July 22, 2009, the City filed a Motion for Reconsideration of the Board's June 18, 2009 Order, in which the Board imposed approximately \$17.8 million in civil penalties and financial obligations against the City, which would ultimately be borne by the City's taxpayers.

2. The State filed a Response brief opposing the Motion for Reconsideration on August 5, 2009, in which the State hurls accusations of illegal conduct by the City, requests sanctions against the City, and tenders an affidavit executed by State employee Mark Retzlaff, which includes hearsay accusations allegedly uttered by one James Pelnarsh, an agent of Community Landfill Company, an entity whose interests are adverse to those of the City.

3. The City will suffer material prejudice if it is prevented from defending itself against the State's accusations, and refuting the misrepresentations in the State's brief.

4. On August 13, 2009, the City filed a motion seeking an extension of time in which to file a Reply brief, which was accompanied by affidavits explaining the City's good-faith, bona fide reasons for requesting additional time.

5. The Hearing Officer entered an order on August 25, 2009 which granted the City's request for an extension of time, and authorized the City to file its Section 101.500(e) request for leave to reply on or before August 31, 2009. A copy of the Hearing Officer's Order is attached hereto as Exhibit A.

6. For the reasons set forth above, City requests that the Board accept the attached Reply brief for filing, which has been tendered within the timeframe authorized by the Hearing Officer's Order.

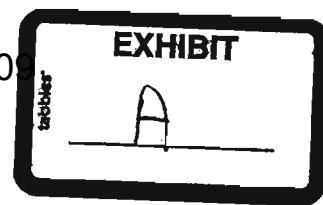
Dated: August 31, 2009

Respectfully submitted,

On behalf of the CITY OF MORRIS

/s/ Charles F. Helsten
One of Its Attorneys

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ILLINOIS POLLUTION CONTROL BOARD
August 25, 2009

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 03-191
)	(Enforcement – Land)
COMMUNITY LANDFILL COMPANY,)	
INC., and CITY OF MORRIS, an Illinois)	
municipal corporation,)	
)	
Respondents.)	

HEARING OFFICER ORDER

On August 5, 2009, the complainant filed a motion for an extension of time to respond to respondent Community Landfill Company's (CLC) motion for reconsideration. CLC has not filed a response. To that end, the complainant's motion is granted. Complainant's response is now due to be filed on or before August 26, 2009.

On August 13, 2009, the respondent City of Morris (City) filed a motion for an extension of time to reply to the complainant's response to the City's motion for reconsideration. On August 25, 2009, the complainant's represented to the hearing officer that it will not object.

The City is reminded that a moving party does not have the right to reply except as permitted by the Board or the hearing officer. *See* Section 101.500 (e) of the Board's procedural rules. In any event, the City's motion is granted and its reply is now due to be filed on or before August 31, 2009.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", written over a horizontal line.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

ILLINOIS POLLUTION CONTROL BOARD

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

Complainant,

v.

COMMUNITY LANDFILL CO., an Illinois
Corporation, and the CITY OF MORRIS, an
Illinois Municipal Corporation,,

Respondents.

PCB 03-191
(Enforcement – Land)

**CITY OF MORRIS'S REPLY IN SUPPORT OF ITS
MOTION FOR RECONSIDERATION**

INTRODUCTION

The State argues that the City's Motion for Reconsideration is "based on arguments of the same unique and self-serving interpretations of the Board regulations that were considered and rejected" in the Board's prior rulings. (State's brief at 1). Nothing could be further from the truth; this claim conveniently ignores the content of the City's motion and brief.

The focus of the Motion and brief in support was on the "remedy" and the penalty imposed by the Board in its June 18, 2009 Order (hereafter "the Order"), and on the Board's analysis in formulating them.

The City has urged the Board to reconsider and modify its Order because it imposes a crushing burden on a tiny municipality; because it derived from an erroneous finding that the City's exercise of the right to appeal should be deemed an "aggravating factor"; because the method for calculating the "economic benefit" to the

City from the alleged violations was erroneous; and because the amount of financial assurance specified in the Order is based on incorrect, outdated cost estimates. Obviously, these arguments have not been previously ruled upon by the Board, inasmuch as they are based on the "remedy" and penalty formulated and imposed by the Order.

I. Key Matters Upon Which the State Is Completely Silent

The State's brief is silent with respect to numerous issues raised by the City in its Motion for Reconsideration. For example, the State was silent with respect to the City's plea that the Board reconsider the crushing economic effect of its Order on a tiny municipality whose population, as of the last census, numbered less than 9,000 citizens over twenty years old.

The State was also silent with respect to the argument that it is unfair to require that the City both post \$17.4 million in financial assurance and, at the same time, also bear the actual, ongoing cost of leachate treatment at its publicly owned treatment works ("POTW"), in addition to also bearing the high costs of environmental engineering and monitoring services.

The State was likewise silent concerning the fact that the City's annual audit will not be complete until October 2009, which makes it impossible, at this time, to accurately assess the City's ability to post a local government guarantee or otherwise comply with the financial assurance requirements imposed by the Board's Order, as well as pay the civil penalty imposed.

The State was also silent with respect to the fact that no evidence was presented linking the violation alleged with a supposed economic benefit to the City, although the statute mandates that the amount of penalty should be derived from the benefit received by the delay, or by the lowest cost alternative for compliance. In ignoring this point, the State presumably seeks to avoid the fact that the evidence showed the lowest cost alternative is the posting of a local government guarantee, along with funds on hand to cover the incremental shortfall between the amount that can be guaranteed based on the statutory formula and the total amount of financial assurance required.¹

In addition, the State was silent as to the City's recitation of numerous examples of its actions that should have been considered as mitigation, including the voluntary payment of almost a million dollars in environmental engineering and monitoring costs in the aftermath of CLC's abdication of its responsibilities. Similarly, the State was silent with respect to the City's good faith steps toward creation of a revenue stream through expansion of the TIF district, so as to have a source of funding in the event the Board entered a finding of liability. The State was also silent concerning the mitigating factor of the City's efforts to collect and accumulate the considerable amount of soil required for closure cover, by requiring developers and contractors who excavated in conjunction with a large sanitary sewer project to place excess soil on City property.

¹ The State complains that the City did not previously post a local government guarantee, however posting a local government guarantee before a final adjudication that it was required would have been an abdication of the City's responsibility to taxpayers not to take on unnecessary financial obligations.

Similarly, the State offers no response to the City's request that the Illinois Environmental Protection Agency ("IEPA" or the "Agency") be directed to review and respond to the recently submitted 2009 cost estimates,² which accurately portray the site's geophysical characteristics, as well as the groundwater monitoring and treatment appropriate to conditions at the site, thereby offering an accurate representation of the amount of financial assurance required for the site.

There is, in short, no response by the State to the seminal points raised in the City's Motion for Reconsideration. Presumably, the State realized it had no way to refute them. Because these points are unopposed, reconsideration is proper.

II. The State's Mischaracterizations of the City's Exhibits.

As a threshold matter, the State objects to the City's having tendered new evidence, however it is axiomatic that when considering a motion for reconsideration in which the movant asserts the Board's decision was in error, the Board will consider evidence not available at the time of hearing. *Tarkowski v. IEPA*, PCB 09-062 (July 23, 2009), citing 135 Ill. Adm. Code 101.902; *Citizens Against Regional Landfill v. County Board of Whiteside*, PCB 93-156 (Mar. 11, 1993), *Korogluyan v. Chicago Title & Trust Co.*, 213 Ill. App. 3d 622, 627, 572 N.E.2d 1154, 1158 (1st Dist. 1992). The affidavits attached to the City's motion present evidence not available at the time of the hearing, which are directly relevant to errors in the Board's decision.

a. The Enger Affidavit

² A copy of the revised and updated cost estimates submitted to the IEPA on August 17, 2009 is attached hereto, marked as Group Exhibit A.

The State attacks the information Mr. Enger provided in his affidavit, claiming that the information should have been provided at the hearing two years earlier, in 2007. This, however, argues for an impossibility. Mr. Enger provides the Board with an updated financial picture of the City as of July 2009, in response to the harsh financial burdens imposed by the Board's Order in June 2009, which threaten to crush the City.

Mr. Enger also provided information showing that the Board's calculation of the financial "benefit" the City supposedly derived from the landfill was erroneous, inasmuch as it failed to take into account the substantial offsetting costs incurred by the City, including steep environmental engineering and monitoring costs to safeguard public health and safety. Factoring in those costs, it is clear that contrary to the Board's finding, the City has not in any way "profited" from CLC's catastrophic mismanagement of the landfill.

The State argues that the information about the City's environmental engineering and monitoring costs, which offset the tipping fees paid by CLC, should have been presented in 2007. Apparently, the State believes the City should have somehow predicted that the Board would rely on the amount of tipping fees paid between 2001 and 2005 as a stand-in to replace the non-existent evidence in the record of a supposed "benefit" realized by the City from not posting financial assurance for the landfill.

Regrettably, the City lacks powers of clairvoyance and could not predict that the Board would turn to tipping fees to fill in the missing gap in the evidence, just as the City could not, in 2007, predict what its financial situation would be two years later. Indeed, in the two years since the September 2007 hearing, this country has seen an

unprecedented economic crisis. Accordingly, it would be impossible for the City to present evidence of its July 2009 financial status in 2007.

Finally, Mr. Enger brings to the Board's attention the good faith efforts the City undertook in the aftermath of the Board's 2006 summary judgment order. The City began to marshal the resources that could be needed if, as ultimately occurred, a heavy financial obligation was imposed. Mr. Enger further demonstrates the City's good-faith efforts to protect the environment, as it voluntarily retained environmental experts and paid the cost to have them perform environmental engineering and monitoring. This evidence is presented to correct the Board's misapprehension, as articulated in the Order, that the City has not acted with good faith.

In his affidavit, Mr. Enger provided the Board with most current information available as to the state of the City's financial resources. He has provided relevant data not considered by the Board in the erroneous calculation of a supposed benefit from the violation alleged. He offered evidence of a myriad of good faith efforts undertaken by the City, contrary to findings in the Board's final Order. Accordingly, the Enger Affidavit was properly submitted in response to the Order.

b. The Good Affidavit

Mr. Larry Good provided an affidavit in direct response to the Board's finding that the City "profited from leachate treatment." Notably, no evidence concerning any purported "profit from leachate" treatment was presented by the State at the hearing, and indeed, there was no reason for anyone to anticipate that a supposed "profit" from leachate treatment would be at issue in this case. The Board raised the issue *sua sponte*,

and the City has never previously had an opportunity to counter the notion that it profited from treating leachate from the landfill. It would, therefore, be fundamentally unfair to prevent the City from presenting, through the affidavit of Mr. Good, what is the only evidence in the record on this issue.

Moreover, this affidavit was presented in response to the erroneous finding that the City's treatment of leachate made it an operator of the landfill. Under Illinois law, landfill operators may send leachate for off-site treatment at a municipal or other wastewater treatment facility, as long as the offsite treatment works agrees to accept it. 35 Ill.Adm.Code §811.307(e); §811.309(a). As long as the leachate sent to the POTW does not constitute 50% or more of its influent, the POTW is not part of the landfill operations. § 811.309(e). Here, the landfill operator, CLC, negotiated with the City and obtained permission to do that which is contemplated by the regulations: discharge leachate from the landfill to a POTW for treatment. 35 Ill.Adm.Code §811.309(e)(1)(C)(2). As the affidavit submitted by Mr. Good establishes, the leachate CLC sent to the City's POTW constituted far less than 50% of the POTW's influent (in fact, less than 1%). Therefore, the Good affidavit makes clear that the Board erred in finding that the City's treatment of leachate at the POTW meant it was "conducting landfill operations." Accordingly, the Affidavit was properly submitted with the Motion for Reconsideration.

c. The Varsho Affidavit

Jesse Varsho submitted an affidavit to explain that no environmental harm will result if the Board modifies the timetable in its Order. Although the State asserts that

any evidence concerning environmental conditions at the site should have been provided in 2007, this again conveniently ignores the fact that any evidence presented in 2007 predicting conditions at the landfill two years later would have been pure conjecture. Here, the current status of environmental conditions at the site is based on more than 10,000 air and groundwater tests performed over the last four (4) years, and is therefore directly relevant to the City's request for additional time to obtain IEPA review of updated cost estimates, and to evaluate the City's financial resources and ability to meet the obligations imposed by the Order.³ (*See Varsho Affidavit*). The information in the affidavit submitted by Mr. Varsho shows that the requested modification of the timetable would pose no risk to the environment.

Because the Varsho Affidavit demonstrates that no environmental harm will result from granting the requested modification of the timetable in the Order, it was properly submitted with the City's Motion for Reconsideration.

d. The Crawford Affidavit

In his affidavit, Mr. Crawford, independent auditor to the City, provides the Board with an updated picture of the City's finances as of July 2009. This is particularly important in light of the Order's requirement that the City pay sums which appear to exceed its available resources. According to the State, information available for the first time in 2009 should have somehow been provided in 2007.

³ As noted above, the City's environmental engineers, Shaw Environmental, submitted revised cost estimates to IEPA pursuant to the Order. A copy of those submissions is attached hereto as Group Exhibit A.

As with Mr. Enger, Mr. Crawford presents information in his affidavit that was impossible to present in 2007. Indeed, it is painfully obvious that no one, including the City's Auditor, could have predicted the global economic collapse that occurred during the intervening two years, which has taken a substantial toll on the City's finances. Similarly, no one could have predicted in 2007 how much money would be in the City's coffers two years later, even without the devastating effect of the current recession. The State claims that the affidavit should be stricken because the State has had no opportunity to cross-examine the affiant concerning its contents. Given this objection, the remedy is not to strike the affidavit, but to reopen the hearing to take additional evidence on the City's current financial status. Because evidence of the City's inability to meet the financial demands of the Order is relevant to the remedy, and this Board's information is two years old, the Board should consider updated information, either through the affidavit, or through testimonial evidence in a reopened hearing.

e. The Mayor's 2002 Memorandum

Cries of "unfair surprise" from the State regarding the 2002 Memorandum ring particularly hollow in the wake of the State's own surprise filing of an affidavit by Mark Retzlaff, in which the State makes allegations of illegal dumping by the City, and of purported environmental danger at the landfill. First and foremost, such allegations are simply a red herring. This appeal concerns a financial assurance action, not an enforcement action for alleged illegal dumping. The State's illegal dumping allegations are nothing more than a diversionary tactic, to which the State has presumably resorted because it had no meaningful response to the issues directly involved in the case.

However, the City cannot sit idly by and say nothing in response to the Board's erroneous finding that the City has not demonstrated a good faith commitment to the environment in its conduct regarding the landfill, and to the State's allegations of illegal dumping. Therefore, in response, the City provided a copy of the Mayor's 2002 Memorandum as an exhibit to its brief to demonstrate that the City has indeed shown an ongoing commitment to prohibiting illegal dumping at the site.

The State complains that the 2002 Memorandum "was not previously disclosed" during discovery. However, there was no reason to bring this document up at that time, because the City could not predict that the State would suddenly raise illegal dumping accusations in the midst of a financial assurance appeal.

Because the Mayor's 2002 Memorandum prohibiting dumping was provided in response to a finding by the Board that the City has not shown a good faith commitment to protecting the environment, and to counter the State's allegations, it was properly submitted with the City's Motion for Reconsideration.

III. The Retzlaff Testimony and Affidavit

Retzlaff testified at the hearing that it is permissible for CLC to take in certain wastes at parts of Parcel A (*See* Tr. 9/11/07 at 91-92, 96). Nevertheless, the State asserts, contrary to this testimony, that it is impermissible for any waste whatsoever to be placed anywhere in Parcel A. (Resp. at 11). As someone who had "personally inspected the Landfill on at least 15 occasions," Retzlaff was well aware of the fact that Parcel A was still available to receive waste within the permitted section, and so testified. (*See* Exh. 1 at ¶4).

With respect to alleged waste disposal violations at the landfill, Retzlaff initially testified that he had observed an area where he believed waste had been deposited outside the edge of the permitted area of Parcel A. However, he subsequently admitted that he made no effort to identify the location of the edge of the permitted area in order to determine whether the material was, in fact, within that permitted area (Tr. 9/11/07 at 91-92, 96, 112).

The State asserts in its brief that Retzlaff testified in 2007 to “fresh dumping of Morris’s wastewater treatment sludge on Parcel A of the landfill.” (Resp. at 10). By providing no citation to the record, the State avoids the fact that the testimony to which it alludes consists of hearsay recitations of statements and allegations purportedly uttered by one “James Pelnarsh,” a CLC employee. (*See, e.g.*, Tr. 9/11/07 at 48, 66). Such hearsay statements are not admissible, nor are they an admission binding on the City. CLC clearly has a strong interest in foisting its own misconduct onto the City in hopes of avoiding responsibility for some or all of its legal obligations.

Retzlaff admitted that while Pelnarsh told him the City was continuously disposing of materials at the landfill, Retzlaff never bothered to check with anyone at the City to see whether this statement by Pelnarsh was true. (Tr. 9/11/07 at 89). As memorialized in the 2002 Memorandum, the City has had a policy, since 2002, of prohibiting the dumping of City waste at the landfill.

Hearsay accusations uttered by an employee of a party adverse to the City, which are offered by the State for the truth of the matter asserted (in this case, accusations of illegal conduct) represent exactly the type of situation the hearsay rule is

meant to avoid. At the hearing, the City objected repeatedly to such hearsay testimony concerning statements allegedly made by CLC's agent. (*See, e.g.*, 9/11/07 at 49-50). That objectionable hearsay has now come back in the form of an affidavit – double hearsay. Retzlaff obviously cannot attest to the truth of Pelnarsh's hearsay accusations, and his affidavit is an out-of-court statement that the City cannot test through cross-examination. The City therefore urges the Board to strike the paragraphs of the Retzlaff Affidavit which simply recite hearsay.

Moreover, when Retzlaff's affidavit alleging illegal dumping was first tendered to this Board, on June 3, 2009, it was accompanied by photographs that purported to illustrate supposed illegal dumping at the landfill. In the wake of the affidavit and photographs, the Mayor, along with Mr. Warren Olson of Chamlin and Associates (the City's civil engineering firm) investigated the matter, conducting a survey of the area. (*See* affidavit of Warren Olson, attached hereto as Exhibit B.) Their investigation included comparing the area where material was dumped with the boundary of the permitted landfill facility. (Exh. B). The investigation revealed that the dumping incident(s) photographed by Retzlaff were examples of "drive-by" or "fly dumping," which did not even occur at the landfill. (Exh. B). Rather, these "drive-by" dumping incidents occurred on an undeveloped 4-5 acre outlot area which is situated adjacent to the landfill facility, locally referred to as the "head-end" site (Exh. B).⁴ The dumping

⁴ The head-end area was formerly the location where equipment for the local cable channel, including antennas, was maintained.

occurred as much as 100 feet away from the landfill, with no overlap whatsoever onto landfill property (Exh. B).

In the aftermath of the discovery of dumping on the head-end site, a padlocked gateway was installed by the City to block the access road and prevent future drive-by dumping (Exh. B). Since installation of the padlocked gateway, no new dumping has been observed (Exh. B).

Ultimately, it must be remembered that the State's accusations of illegal dumping at the landfill are simply red herrings in this, a financial assurance case. However, in the interest of fairness, the City must be allowed to present evidence to counter those accusations. Similarly, fundamental fairness requires that the City not be judged on the basis of hearsay statements made by an agent of CLC, which has every reason to attempt to foist its own misconduct onto the City.

IV. The Board's April 5, 2001 Order in PCB 01-048/01-049.

The State erroneously asserts that the Board previously "upheld Illinois EPA's requirement that 100 years of leachate treatment be secured." (Resp. at 3)(emphasis added). The April 5, 2001 Order referenced by the State offered absolutely no opinion by the Board on the proper length of time necessary for leachate treatment. Rather, the Order held that the value of the leachate treatment services provided by the City must be incorporated when determining the amount of financial assurance to be posted for the facility. (April 5, 2001 Order at 29).

Most importantly, when the 2001 Order was entered, the extent of the defects in the original groundwater modeling exercise performed by CLC's consultants had not

yet been recognized. At that time, it was not clear, as it is now, that the groundwater modeling was defective in the extreme. (Tr. 9/12/07 at 79-80; 87-88). What is now known is that the original modeling was so defective that the modeler simply gave up and agreed to 100 years of monitoring and treatment because he was unable to get the model to pass. (*Id.*)

Even the IEPA recognizes that the applicant should “conduct a new groundwater impact assessment” in the event it comes into possession of “more accurate geological data.” (Resp. Exh. 1 at p. 4)(emphasis added). This is exactly what has happened in the intervening years. The team of environmental engineers who reviewed the original, defective modeling have concluded that the idea of performing “100 years of leachate treatment” was entirely unsupported by the evidence and should be corrected. Nevertheless, since that time, the State has steadfastly clung to the “100 years of treatment,” refusing to accept a corrected model that shows 100 years of treatment are unnecessary.

V. The IEPA’s Rejection of Updated Cost Estimates.

In claiming the City “lied” about whether the Agency acted upon the 2005 and 2007 cost estimates, the State conveniently fails to recognize that the IEPA’s response to the revised cost estimates occurred after the close of the hearing. The hearing concluded in September 2007, and a month later, the IEPA sent a fax to Shaw Engineering, which the State attached to its Response as Exhibit 1. The attorneys who prepared the Motion to Reconsider and brief in support were unaware of the October response. They correctly represented the September hearing record in stating:

However, a renewal application was submitted to IEPA in 2005 which included an addendum with a revised cost estimate of the closure and post-closure costs (based on the old modeling) (9/11/07 Tr. 216-18). These cost estimates were again revised in response to IEPA comments in November 2005 (9/12/07 Tr. 111-13, 118). *This record shows no response by the IEPA.*

(City's Brief at 14)(emphasis added). Elsewhere, the City correctly stated:

At the 2007 hearing, Christine Roque, the IEPA permit supervisor, testified that the revised cost estimates continued to simply remain "under review" (9/11/07 Tr. 217-18).

(City's Brief at 14)(emphasis added). Again, this is true because the EPA made no response for another month, at which time it faxed a response to the City's engineers.

Upon receiving the State's Response, the City's attorneys investigated and confirmed that about a month after the hearing, the IEPA apparently faxed a "draft" letter to Shaw Engineering concerning a permit application. That draft letter includes statements by the Agency in response to the 2007 cost estimates. Therefore, the City's attorneys incorrectly but inadvertently stated that the "IEPA has continued to refuse to address the revised cost estimates." (City's brief at 14). They regret the error and stand corrected.

However, the State erroneously asserts that the City requested modification of the Order's timetable "entirely based on its representation that Illinois EPA never acted on its 2005 and 2007 revised closure/post-closure cost estimates." (State's Resp. at 2). This representation is simply false. The City's motion sought modification of the timetable for requiring the City to post \$17.4 million in financial assurance on a number of bases, including, but not limited to: (1) the impossibility of a tiny municipality being

able to raise sufficient funds to meet the crushing burden of the Order within sixty (60) days; (2) the City's need to see the results of its audit, due in October 2009, to determine its fiscal strength and ability to comply with the financial assurances required by the Board; (3) the Board's reliance on outdated closure/post-closure figures which are grossly inaccurate; and (4) the evidence at the hearing that the antiquated cost estimates of \$17.4 million were incorrectly calculated, having been based on groundwater modeling that was "defective in the extreme." Therefore, the State's claim that the City's request for modification of the Order's timeline was "entirely based on" Agency inaction concerning the 2005 and 2007 cost estimates is patently false.

VI. The State Erroneously Cites Statutory Mechanisms for Raising Revenue That Are Unavailable to the City Under These Facts.

a. The Illinois Tort Immunity Act

The State asserts that the City can use provisions of the Illinois Tort Immunity Act to raise the revenue required to meet the obligations imposed by the Order. This represents a dramatic shift away from the State's prior position, that the Tort Immunity Act is inapplicable, and challenges the Board's finding that the Tort Immunity Act is inapplicable under these facts.

It is well-settled law in Illinois that the Tort Immunity Act ("TIA") applies only to tort actions seeking damages. *PACE v. Regional Transp. Authority*, 346 Ill.App.3d 125, 143, 803 N.E.2d 13 (2d Dist. 2003). The legislature's purpose in promulgating the TIA was "to prevent the dissipation of public funds on damage awards in tort cases." *Van Meter v. Darien Park District*, 207 Ill.2d 359, 368, 278 Ill.Dec. 555, 799 N.E.2d 273 (2003)

(emphasis added). Article IX of the TIA addresses "Payment of Claims and Judgment," and it is this portion of the Act that the State identifies as purportedly available to the City. *See* 745 ILCS 10/9-101 *et seq.* Section 9-107 sets forth a tax-levy power, and section 9-102 explains the circumstances for utilizing such a tax levy. Under Section 9-102, a local public entity is entitled to "to pay any tort judgment or settlement for compensatory damages" *Id.* (emphasis added). The Illinois Supreme Court has held that "the use of the term 'compensatory damages' in section 9-102 limits application of that provision to the payment of monetary awards in tort judgments or settlements." *In re Consolidated Objections to Tax Levies of School Dist. No. 205*, 193 Ill.2d 490, 497-98, 739 N.E.2d 508 (2000) (emphasis added).

Section 9-103 addresses insurance contracts, but only within the context of tortious acts. Section 9-104, by its terms, contemplates only the payment of tort judgments and settlements. Section 9-105 authorizes the issuance of bonds without referendum for insurance only against tortious acts or the payment of tort judgments or settlements. Section 10/9-107, which the State points to (*see* n. 39) is particularly limited in application. Its purpose is "to provide an extraordinary tax for funding expenses relating to (i) tort liability, (ii) liability relating to actions brought under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or the [federal] Environmental Protection Act, but only until December 31, 2010, (iii) insurance, and (iv) risk management programs. *Id.* Financial assurance bonds are not one of the listed purposes, and neither is the civil penalty imposed in this case. The General Assembly declares, in Section 10/9-107, that "as a matter of policy, [] (i) the

use of the tax revenue authorized by this Section for purposes not expressly authorized under this Act is improper and (ii) the provisions of this Section shall be strictly construed consistent with this declaration and the Act's express purposes. *Id.* (emphasis added). Because this Section of the Tort Immunity Act does not appear to authorize levying a tax to pay for the financial assurance mechanisms ordered by the Board, or for paying the civil penalty imposed by the Board, this Section appears to offer no authority for the City to utilize the TIA to raise the necessary revenue.

b. **35 Illinois Administrative Code Part 104.**

The State further asserts that the City can take advantage of the regulatory relief mechanisms in 35 Ill.Adm.Code Part 104. However, this section of the regulations simply gives the Board the authority to determine whether enforcement of a particular regulation would impose an arbitrary or unreasonable hardship on a party. If the Board finds that enforcement of a particular regulation would impose such a hardship, it may grant a variance with respect to that regulation. *Monsanto Co. v. Pollution Control Board*, 67 Ill.2d 276, 289, 367 N.E.2d 684 (1977).

The regulatory variance procedure cited by the State is therefore intended to exempt certain parties from particular regulations that limit pollution, to avoid hardship. That is not the situation here, where the City seeks relief from a civil penalty and a requirement to post financial assurance for the landfill. The cited provisions, which authorize variances in pollution standards, are therefore inapplicable.

VII. The Evidence Supports the Position that a Financial Assurance Bond Would Have to Be Fully Collateralized

The State argues there is “no evidence” that the City would have to fully collateralize the \$17.4 million in financial assurance mandated by the Order, ignoring the fact that the Board has effectively ordered the landfill to cease all operations, which would be apparent to any surety investigating the matter.⁵ In light of the fact that the Board has prohibited the landfill facility from accepting any new waste, and further, given Parcel B’s overfill status, it is clear that any financial assurance bond purchased for the site would almost certainly be called in short order, as noted in the testimony of environmental engineer Devin Moose. (Tr. 9.12.07 at 108-110). Even the State itself acknowledges, in its Response to CLC’s Motion for Reconsideration, that years ago, when CLC’s owners investigated the cost of acquiring substitute financial assurance, “closure of Parcel B of the Landfill was already several years overdue.” (Resp. to CLC at 11).

In any event, the City needs additional time to investigate what options are available to meet the financial assurance requirements of the Order, and what the cost of those options would be. Accordingly, the City’s request for a modification of the timetable set forth in the Order is appropriate.

VIII. The Freeze as to the Frontier Bonds

The State asserts that it should be permitted to unilaterally negotiate with Frontier concerning the bonds, without involvement of the City. The City counters that unlike the truly interested parties whose names appear on the bonds, the State has

⁵ The Board has declined to close Parcel B, but simultaneously precludes its use for the disposal of any more waste.

absolutely no incentive to aggressively negotiate with Frontier, since any money it recovers will merely function as an offset against funds the City must otherwise provide.

The State's claim that "[s]ince no financial assurance is now in place, anything recovered will be very helpful" (Resp. p. 19) reveals precisely the cavalier attitude toward recovery that concerns the City. The State's attitude seems to be that anything it gets will be fine; the taxpayers of Morris can foot the balance. The City's interest in obtaining a fair and reasonable settlement from Frontier on behalf of its taxpayers is both pragmatic and urgent. The City should, accordingly, be permitted to participate in negotiations with Frontier.

IX. The State's Request for Sanctions

The State suggests that the Board should impose sanctions against the City for what the State calls "false representations" in the City's Motion for Reconsideration. (*See, e.g.*, State's Response brief at 1). The City counters that it has not proffered no intentional misrepresentations,⁶ and urges the Board to take note of the State's seemingly intentional misrepresentations identified above, as well as its unnecessary hyperbole. There is simply no basis for imposing sanctions against the City in this case.

Finally, it is noteworthy that the State tells the Board, in its Response to CLC's Motion for Reconsideration, that "Respondents have not submitted updated cost estimates for the Landfill since 1999..." (Resp to CLC's Motion, at 8). As has been

⁶ As discussed above, the attorneys who drafted the motion and memorandum largely discussed the evidence at the hearing. At the time, they were unaware of the IEPA's response a month later. They acknowledge and regret their inadvertent error.

discussed at length by all parties during the briefing of this matter, and as was testified to by Christine Roque at the 2007 hearing, revised cost estimates were in fact submitted to the Agency in 2005, and again in 2007. Additionally, as can be seen in Group Exhibit A, filed with this brief, updated cost estimates were again submitted on August 17, 2009, nine (9) days before the State filed its brief. The State's claims, therefore, that the City has not filed updated cost estimates make it abundantly clear that the City's attorneys are not the only ones who have erred on the issue of the history of cost estimate submissions while briefing this case.

CONCLUSION

For the foregoing reasons, and as discussed in the motion for reconsideration and principal brief in support, the City of Morris respectfully requests that this Board reconsider its opinion and enter a modified order:

1. Holding that the City did not violate the financial assurance regulations, that no penalty is warranted as against the City, and that the financial assurance requirements do not apply to the City.
2. In the alternative, the City requests this Board to vacate the \$399,308.98 penalty.
3. In the alternative, the City requests that the Board's Order be modified to:
 - A. Hold that the City is only individually liable in an amount of its original bond;
 - B. Require that revised and updated cost estimates for the Morris Community Landfill be submitted to IEPA within 60-90 days from the date of entry of the Board's ruling on this motion to reconsider;

- C. Require that upon receipt of the updated cost estimates, that the IEPA be required to determine the appropriate revised cost estimates for the Morris Community Landfill facility within a certain time to be determined by the Board; and
- D. Allow that upon IEPA's determination of the revised cost estimates, additional time be granted to the City to provide financial assurance in accordance with the regulations.

4. To give the City 90 days after approval of the City's Audit (which is expected to be completed in October) to post financial assurance so that the amount of government guarantee can be determined, and so that all avenues to obtain a bond or post other financial assurance may be investigated and completed.

5. To order that no person or governmental entity may resolve the claims against Frontier without the participation of the City.

6. Granting such other and further relief as this Board deems proper.

Respectfully submitted,

/s/ Nicola Nelson
One of the Attorneys for the City of Morris

Charles F. Helsten
Nancy G. Lischer
Nicola Nelson
Hinshaw & Culbertson LLP
100 Park Avenue, P.O. Box 1389
Rockford, IL 61105-1389
(815) 490-4900

Scott M. Belt
Belt Bates, & Associates
105 East Main Street
Suite 206
Morris, IL 60450
(815)941-4675

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 August 31, 2009, she caused to be served a copy of the foregoing upon:

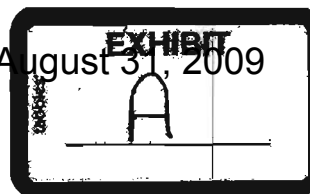
Mr. Christopher Grant Assistant Attorney General Environmental Bureau 69 W. Washington St., Suite 1800 Chicago, IL 60602	Mark LaRose LaRose & Bosco, Ltd. 200 N. LaSalle, Suite 2810 Chicago, IL 60601
Mr. John T. Therriault, Assistant Clerk Illinois Pollution Control Board 100 W. Randolph, Suite 11-500 Chicago, IL 60601 (via electronic filing)	Bradley Halloran Hearing Officer Illinois Pollution Control Board 100 W. Randolph, Suite 11-500 Chicago, IL 60601
Mr. Scott Belt Scott M. Belt & Associates, P.C. 105 East Main Street Suite 206 Morris, IL 60450	Clarissa Y. Cutler Attorney at Law 155 N. Michigan Ave., Suite 375 Chicago, IL 60601

Via E-Mail and regular U.S. mail.



Joan Lane

HINSHAW & CULBERTSON
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
(815) 490-4900



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.

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.

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

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

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

ATTACHMENT 1



Illinois
Environmental
Protection Agency

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

GENERAL APPLICATION FOR PERMIT (LPC-PA1)

This form must be used for any application for permit, except for landscape waste composting or hazardous waste management facilities regulated in accordance with RCRA, Subtitle C from the Bureau of Land. One original and two (2) photocopies, or three (3) if applicable, of all permit application forms must be submitted. Attach the original and appropriate number of copies of any necessary plans, specifications, reports, etc. to fully support and describe the activities or modifications being proposed. Attach sufficient information to demonstrate compliance with all applicable regulatory requirements. Incomplete applications will be rejected. Please refer to the instructions for further guidance.

Note: Permit applications which are hand-delivered to the Bureau of Land, Permit Section must be delivered to 1021 North Grand Avenue East between the hours of 8:30 a.m. to 5:00 p.m., Monday through Friday (excluding State holidays).

Please type or print legibly.

I. SITE IDENTIFICATION

Name: Community Landfill - Parcel A Site # (Illinois EPA): 0 6 3 0 6 0 0 0 1
Physical Site Location (street, road, etc.): 1501 Ashlev Road
City, Zip Code: Morris 60450 County: Grundy
Existing DE/OP Permit Nos. (if applicable): 2000-155-LFM

II. OWNER/OPERATOR IDENTIFICATION

OWNER

OPERATOR

Name: <u>City of Morris</u>	<u>Community Landfill</u>
Address: <u>320 Wauponsee</u>	<u>1501 S. Ashlev Road</u>
<u>Morris, Illinois 60450</u>	<u>Morris, Illinois 60450</u>
Contact Name: <u>Mayor Richard Kopeczick</u>	<u>Robert Pruim</u>
Phone #: <u>(815) 942-0103</u>	<u>(815) 942-3941</u>

III. PERMIT APPLICATION IDENTIFICATION

TYPE SUBMISSION/REVIEW PERIOD:

- ☐ New Landfill/180 days (35 IAC Part 813)
☐ Landfill Expansion/180 days (35 IAC Part 813)
☐ Sign. Mod to Operate/90 days (35 IAC Part 813)
☒ Other Sign. Mod/90 days (35 IAC Part 813)
☐ Renewal of Landfill 90 days (35 IAC Part 813)
☐ Developmental/90 days (35 IAC Part 807)
☐ Operating/45 days (35 IAC Part 807)
☐ Supplemental/90 days (35 IAC Part 807)
☐ Permit Transfer/90 days (35 IAC Part 807)
☐ Renewal of Experimental Permit (35 IAC Part 807)

TYPE FACILITY:

- ☒ Landfill
☐ Land Treatment
☐ Transfer Station
☐ Treatment
☐ Storage
☐ Incinerator
☐ Composting
☐ Recycling/Reclamation
☐ Other (Specify) _____

TYPE WASTE:

- ☐ General Municipal Refuse
☐ Hazardous
☐ Special (Non-hazardous)
☐ Chemical Only (exc. putrescible)
☒ Inert Only (exc. chemical and putrescible)
☐ Used Oil
☐ Potentially Infectious Medical Waste
☐ Landscape Waste
☐ Other (Specify) _____

DESCRIPTION OF THIS PERMIT REQUEST: (Include a brief narrative description here.)

Revised Closure and Post-Closure Care cost estimates for Community Landfill - Parcel A.

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? ☒ Yes ☐ No ☐ N/A
(If so, provide a list of those recipients of the required public notice letters for Illinois EPA retention.)
Such retention shall not imply any Illinois EPA review and/or confirmation of the list.)
2. a. Is the Siting Certification Form (LPC-PA8) completed and enclosed? ☐ Yes ☐ No ☒ N/A
b. Is siting approval currently under litigation? ☐ Yes ☐ No ☒ 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.) ☒ 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 ☒ 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 ☒ No ☐ N/A
5. a. Is land ownership held in beneficial trust? ☐ Yes ☒ No ☐ N/A
b. If yes, is a beneficial trust certification form (LPC-PA9) completed and enclosed? ☐ Yes ☐ No ☒ 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 ☒ No ☐ N/A
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.

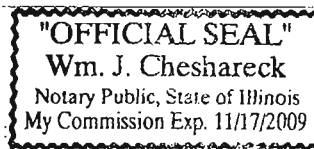
Owner Signature: Rita K. Kujala Title: Mayor Date: 8-17-09
Owner FEIN or S.S. Number: 36-600-0005

Operator Signature: _____ Title: _____ Date: _____
Operator FEIN or S.S. Number: _____

Notary: Subscribe and sworn before me this 17 day of August, 2009

Notary Signature: Wm. J. Cheshareck

My commission expires on: 11-17-09



Engineer Signature: J. Paul Varsho

Engineer Address: 1607 E. Main St.

St. Charles, IL 60174

Engineer Phone No. 630 762-1400

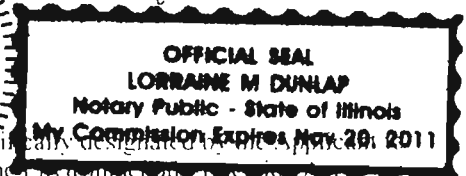
Title: Project Manager

Engineer Seal: JESSE PAUL VARSHO

Date: 8-13-09

Engineer Seal: JESSE PAUL VARSHO

Signature of Notary Public for Jesse Paul Varsho



All information submitted as part of the Application is available to the public except when specifically designated as confidential in accordance with Section 7-10 of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

LIST OF ELECTED OFFICIALS AND CONCERNED CITIZENS (FORM LPC-PA16)

1. Sheldon Sobol, State's Attorney
111 East Washington Street
Morris, IL 60450
2. Mayor Richard Kopczick
City of Morris
320 Wauponsee Street
Morris, IL 60450
3. Congresswoman Debbie Halvorson
United States Congress
11th Congressional District
166 N. Chicago St., Suite 401
Joliet, IL 60432
4. Senator Gary G. Dahl
Senate District 38
103 Fifth Street
Peru, IL 61345
5. Representative Careen Gordon
Illinois House of Representative District 75
760 East Division
Coal City, IL 60416
6. Francis E. Halpin, County Board Chairman
111 East Washington Street
P.O. Box 675
Morris, IL 60450
7. Lana J. Phillips, County Clerk
111 East Washington Street
P.O. Box 675
Morris, IL 60450



Electronic Filing - Received, Clerk's Office, August 31, 2009



Illinois
Environmental
Protection Agency

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

NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)

Date: August 17, 2009

To Elected Officials and Concerned Citizens:

The purpose of this notice is to inform you that a permit application has been submitted to the IEPA, Bureau of Land, for a solid waste project described below. You are not obligated to respond to this notice, however, if you have any comments, please submit them in writing to the address below, or call the Permit Section at 217/524-3300, within twenty-one (21) days.

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

The permit application, which is identified below, is for a project described at the bottom of this page.

SITE IDENTIFICATION

Site Name: Community Landfill - Parcel A

Site # (IEPA): 0630600001

Address: 1501 Ashley Road

City: Morris

County: Grundy

TYPE PERMIT SUBMISSIONS:

New Landfill	<input type="checkbox"/>
Landfill Expansion	<input type="checkbox"/>
First Significant Modification	<input type="checkbox"/>
Significant Modification to Operate	<input type="checkbox"/>
Other Significant Modification	<input checked="" type="checkbox"/>
Renewal of Landfill	<input type="checkbox"/>
Development	<input type="checkbox"/>
Operating	<input type="checkbox"/>
Supplemental	<input type="checkbox"/>
Transfer	<input type="checkbox"/>
Name Change	<input type="checkbox"/>
Generic	<input type="checkbox"/>

TYPE FACILITY:

Landfill	<input checked="" type="checkbox"/>
Land Treatment	<input type="checkbox"/>
Transfer Station	<input type="checkbox"/>
Treatment Facility	<input type="checkbox"/>
Storage	<input type="checkbox"/>
Incinerator	<input type="checkbox"/>
Composting	<input type="checkbox"/>
Recycling/Reclamation	<input type="checkbox"/>
Other	<input type="checkbox"/>

TYPE WASTE:

General Municipal Refuse	<input type="checkbox"/>
Hazardous	<input type="checkbox"/>
Special (Non-Hazardous) Chemical Only (exec. putrescible)	<input type="checkbox"/>
Inert Only (exec. chem. & putrescible)	<input checked="" type="checkbox"/>
Used Oil	<input type="checkbox"/>
Solvents	<input type="checkbox"/>
Landscape/Yard Waste	<input type="checkbox"/>
Other (Specify _____)	<input type="checkbox"/>

DESCRIPTION OF PROJECT:

Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel A

Please retain a copy for your own use.



Illinois
Environmental
Protection Agency

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

Francis E. Halpin, County Board

Chairman

111 East Washington Street

P.O. Box 675 **NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)**

Morris, Illinois 60450

Date: August 17, 2009

To Elected Officials and Concerned Citizens:

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Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel A

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Illinois
Environmental
Protection Agency

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

Representative Caren Gordon

Illinois House Of Representative

District 75 NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)

760 East Division

Coal City, Illinois 60416

Date: August 17, 2009

To Elected Officials and Concerned Citizens:

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1021 North Grand Avenue East, Post Office Box 19276
Springfield, Illinois 62794-9276

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Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel A

Please retain a copy for your own use

JEPA 001-11-001
11-001-11-001
11-001-11-001

This Agency is authorized to require this information under Illinois Revised Statutes 199.9 Chapter 111.1, Section 11-1. Disclosure of this information is required under that Section. Failure to do so may prevent the form from being processed and could result in your application being denied. This form has been approved.



Illinois
Environmental
Protection Agency

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

Senator Gary G. Dahl
Senate District 38
103 Fifth Street
Peru, Illinois 61345

NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)

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Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel A

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Phone: 217-524-3300
Fax: 217-524-3300
E-mail: landfill@iepa.state.il.us

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111.1.2, Section 19-39. Disclosure of this information is required under that Section. Failure to do so may prevent the form from being processed and could result in your application being denied. This form has been approved.



Congresswoman Debbie Halvorson

United States Congress

11th Congressional District

116 N. Chicago Street, Suite 401

Joliet, Illinois 60342

Illinois
Environmental
Protection AgencyBureau of Land
1021 North Grand Avenue East
Box 19276
Springfield, IL 62794-9276**NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)**Date: August 17, 2009

To Elected Officials and Concerned Citizens:

The purpose of this notice is to inform you that a permit application has been submitted to the IEPA, Bureau of Land, for a solid waste project described below. You are not obligated to respond to this notice, however, if you have any comments, please submit them in writing to the address below, or call the Permit Section at 217/524-3300, within twenty-one (21) days.

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

The permit application, which is identified below, is for a project described at the bottom of this page.

SITE IDENTIFICATIONSite Name: Community Landfill - Parcel ASite # (IEPA): 063060001Address: 1501 Ashley RoadCity: MorrisCounty: Grundy**TYPE PERMIT SUBMISSIONS:****TYPE FACILITY:****TYPE WASTE:**

New Landfill	<input type="checkbox"/>	Landfill	<input checked="" type="checkbox"/>	General Municipal Refuse	<input type="checkbox"/>
Landfill Expansion	<input type="checkbox"/>	Land Treatment	<input type="checkbox"/>	Hazardous	<input type="checkbox"/>
First Significant Modification	<input type="checkbox"/>	Transfer Station	<input type="checkbox"/>	Special (Non-Hazardous) Chemical Only	<input type="checkbox"/>
Significant Modification to Operate	<input type="checkbox"/>	Treatment Facility	<input type="checkbox"/>	(excl. putrescible)	<input type="checkbox"/>
Other Significant Modification	<input checked="" type="checkbox"/>	Storage	<input type="checkbox"/>	Inert Only	<input type="checkbox"/>
Renewal of Landfill	<input type="checkbox"/>	Incinerator	<input type="checkbox"/>	(excl. chem. & putrescible)	<input checked="" type="checkbox"/>
Development	<input type="checkbox"/>	Composting	<input type="checkbox"/>	Used Oil	<input type="checkbox"/>
Operating	<input type="checkbox"/>	Recycling/Reclamation	<input type="checkbox"/>	Solvents	<input type="checkbox"/>
Supplemental	<input type="checkbox"/>	Other	<input type="checkbox"/>	Landscape/Yard Waste	<input type="checkbox"/>
Transfer	<input type="checkbox"/>			Other (Specify _____)	<input type="checkbox"/>
Name Change	<input type="checkbox"/>				
Generic	<input type="checkbox"/>				

DESCRIPTION OF PROJECT:Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel A

Please retain a copy for your own use.



Illinois
Environmental
Protection Agency

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

Lana J. Phillips, County Clerk
111 East Washington Street
P.O. Box 675
Morris, Illinois 60450

NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)

Date: August 17, 2009

To Elected Officials and Concerned Citizens:

The purpose of this notice is to inform you that a permit application has been submitted to the IEPA, Bureau of Land, for a solid waste project described below. You are not obligated to respond to this notice, however, if you have any comments, please submit them in writing to the address below, or call the Permit Section at 217/524-3300, within twenty-one (21) days.

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

The permit application, which is identified below, is for a project described at the bottom of this page.

SITE IDENTIFICATION

Site Name: Community Landfill - Parcel A

Site # (IEPA): 0630600001

Address: 1501 Ashlev Road

City: Morris

County: Grundy

TYPE PERMIT SUBMISSIONS:

New Landfill ☐
Landfill Expansion ☐
First Significant Modification ☐
Significant Modification to Operate ☐
Other Significant Modification ☒
Renewal of Landfill Development ☐
Operating Supplemental ☐
Transfer ☐
Name Change ☐
Generic ☐

TYPE FACILITY:

Landfill ☒
Land Treatment ☐
Transfer Station ☐
Treatment Facility ☐
Storage ☐
Incinerator ☐
Composting ☐
Recycling/Reclamation ☐
Other ☐

TYPE WASTE:

General Municipal Refuse ☐
Hazardous ☐
Special (Non-Hazardous) Chemical Only ☐
(exc. putrescible) ☐
Inert Only ☐
(exc. chem. & putrescible) ☒
Used Oil ☐
Solvents ☐
Landscape/Yard Waste ☐
Other (Specify _____) ☐

DESCRIPTION OF PROJECT:

Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel A

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Illinois
Environmental
Protection Agency

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

Mayor Richard Kopczick

City of Morris

320 Wauponsee Street

Morris, Illinois 60450

NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)

Date: August 17, 2009

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

The permit application, which is identified below, is for a project described at the bottom of this page.

SITE IDENTIFICATION

Site Name: Community Landfill - Parcel A

Site # (IEPA): 0 6 3 0 6 0 0 0 1

Address: 1501 Ashley Road

City: Morris

County: Grundy

TYPE PERMIT SUBMISSIONS:

TYPE FACILITY:

TYPE WASTE:

New Landfill ☐
Landfill Expansion ☐
First Significant Modification ☐
Significant Modification to Operate ☐
Other Significant Modification ☒
Renewal of Landfill ☐
Development ☐
Operating ☐
Supplemental ☐
Transfer ☐
Name Change ☐
Generic ☐

Landfill ☒
Land Treatment ☐
Transfer Station ☐
Treatment Facility ☐
Storage ☐
Incinerator ☐
Composting ☐
Recycling/Reclamation ☐
Other ☐

General Municipal Refuse ☐
Hazardous ☐
Special (Non-Hazardous) Chemical Only ☐
(exec. putrescible) ☐
Inert Only ☐
(exec. chem. & putrescible) ☒
Used Oil ☐
Solvents ☐
Landscape/Yard Waste ☐
Other (Specify _____) ☐

DESCRIPTION OF PROJECT:

Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel A

Please retain a copy for your own use



Illinois
Environmental
Protection Agency

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

Sheldon Sobol, State's Attorney
111 East Washington Street
Morris, Illinois 60450

NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)

Date: August 17, 2009

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The purpose of this notice is to inform you that a permit application has been submitted to the IEPA, Bureau of Land, for a solid waste project described below. You are not obligated to respond to this notice, however, if you have any comments, please submit them in writing to the address below, or call the Permit Section at 217/524-3300, within twenty-one (21) days.

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

The permit application, which is identified below, is for a project described at the bottom of this page.

SITE IDENTIFICATION

Site Name: Community Landfill - Parcel A

Site # (IEPA): 0630600001

Address: 1501 Ashley Road

City: Morris

County: Grundy

TYPE PERMIT SUBMISSIONS:

New Landfill	<input type="checkbox"/>
Landfill Expansion	<input type="checkbox"/>
First Significant Modification	<input type="checkbox"/>
Significant Modification to Operate	<input type="checkbox"/>
Other Significant Modification	<input checked="" type="checkbox"/>
Renewal of Landfill	<input type="checkbox"/>
Development	<input type="checkbox"/>
Operating	<input type="checkbox"/>
Supplemental	<input type="checkbox"/>
Transfer	<input type="checkbox"/>
Name Change	<input type="checkbox"/>
Generic	<input type="checkbox"/>

TYPE FACILITY:

Landfill	<input checked="" type="checkbox"/>
Land Treatment	<input type="checkbox"/>
Transfer Station	<input type="checkbox"/>
Treatment Facility	<input type="checkbox"/>
Storage	<input type="checkbox"/>
Incinerator	<input type="checkbox"/>
Composting	<input type="checkbox"/>
Recycling/Reclamation	<input type="checkbox"/>
Other	<input type="checkbox"/>

TYPE WASTE:

General Municipal Refuse	<input type="checkbox"/>
Hazardous	<input type="checkbox"/>
Special (Non-Hazardous) Chemical Only	<input type="checkbox"/>
(exec. putrescible)	<input type="checkbox"/>
Inert Only	<input type="checkbox"/>
(exec. chem. & putrescible)	<input checked="" type="checkbox"/>
Used Oil	<input type="checkbox"/>
Solvents	<input type="checkbox"/>
Landscape/Yard Waste	<input type="checkbox"/>
Other (Specify _____)	<input type="checkbox"/>

DESCRIPTION OF PROJECT:

Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel A

Please retain a copy for your own use.

gibson, tyler
IEPA-PA16-0001
LPC-PA16-0001

This Agency is authorized to require this information under Illinois Revised Statutes, 1999, Chapter 111, 1-2, Section 10-9. Disclosure of this information is required under that Section. Failure to do so may prevent the form from being processed and could result in your application being denied. This form has been approved.



Illinois
Environmental
Protection Agency

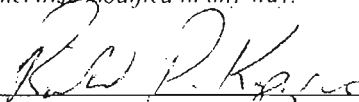
Bureau of Land
1021 North Grand Avenue East
Box 19276
Springfield, IL 62794-9276

Certification of Authenticity of Official Forms

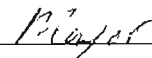
This form must accompany any application submitted to the Illinois EPA Bureau of Land, Division of Land Pollution Control, Permit Section on forms other than the official copy printed and provided by the Illinois EPA. The only allowed changes to the form are in spacing, fonts, and the addition of the 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.

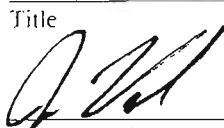

Owner Signature

8-17-09
(date)


Title

Operator Signature

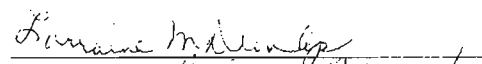
(date)


Engineer Signature
(if necessary)

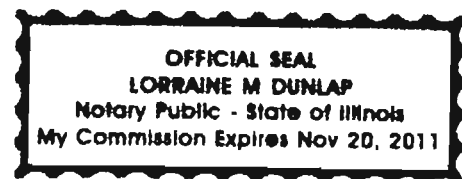
8-13-09
(date)



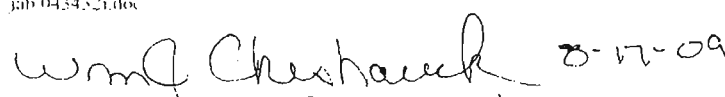
*Subscribed and Sworn to Before Me,
a Notary Public in and for the
above-mentioned County and State.*

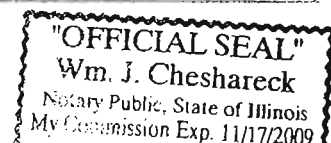

Notary Public

My Commission Expires: 11/20/2011



[Notary Seal]


Wm. J. Cheshareck 8-17-09



ATTACHMENT 2

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

Description	Assumptions
Leachate Collection, Extraction	
<u>Perimeter Leachate Collection System:</u>	
- gravel envelope (2' x 2' x 2,625')	stone 3/4" , Bluff City M
- hauling gravel from source to site	Bluff City Material
- backfilling gravel into leachate collection envelope	trench backfill, 2-1/4 C.Y. bucket, mou
- geotextile fabric (2' W x 4 sides x 2,625' L)	geotextile fabric, laid in
- 6" dia. HDPE perforated pipe (lateral piping)	American Plastic Pipe &
- welding of 6" dia HDPE pipe (butt fusion joints)	APP&S, \$100/day equip
- 36" dia. manholes w/ 36" sumps	Forrer Suppl
- installation of manholes in 10' sections, and concrete base for ea. manhole	Shaw St. Charles,
- submersible pumps @ 8.8 gpm each (for 3 manholes)	Illinois Processing Equipment, I series submersible pump, 1-1/ construction, with 1ph 200-240
- backhoe excav / load trks. with earthen material [(10' W x 2' D x 2,625' L) - 389]	hydraulic backhoe, crawler mtd volume of apron minus volum
- haul borrow material w/dump trucks (earthen material)	60 cy rear / bottom dump,
- backfill w/dozer (earthen material)	fill, spread dumped m
- fine grading (earthen material)	grading of subgr
- geotextile fabric (~2.83' W x 2,625' L) (earthen material)	geotextile fabric, laid in
<u>Leachate Drainage Layer (1' x 50' x 2,625'):</u>	
- drainage layer /sand (12" D x 50' W x 2,625' L)	sand FM-02, Bluff City
- hauling sand from source to lf site	sand FM-02, Bluff City
- backfill w/dozer leachate drainage layer	fill, spread dumped m
<u>Perimeter Berm:</u>	
- excavate w/backhoe, borrow material	hydraulic backhoe, crawler mtd. 15% to load
- hauling, borrow material	60 cy rear / bottom dump,
- backfill w/dozer	fill, spread dumped m
- compaction w/sheepsfoot perimeter berm	6" lifts, 3
<u>Lateral Leachate Collection Trench:</u>	
- excavate trench (2' W x 20' D x 1,100' L)	common earth, 14' to 20' d
- granular layer (sand)	sand FM-02, Bluff City

Options	2009 Means Cost Code	Unit	Unit Cost	Qty.	Total Cost
n, & Storage Systems - Parcel A					
Materials (Bartlett, Illinois)	--	c.y.	\$15.70	388.89	\$6,106
s (Bartlett, Illinois)	--	c.y.	\$20.80	388.89	\$8,089
100' haul, front end loader, wheel nted	31 23 16 13 3090	c.y.	\$3.43	388.89	\$1,334
trench, polypropylene	33 46 26 10 0100	s.y.	\$1.85	2,333.33	\$4,317
Supply (APP&S), SDR 17	--	l.f.	\$3.49	2,625.00	\$9,162
. + \$600 day technician	--	day	\$700.00	3	\$2,100
r (Wisconsin)	--	each	\$5,436.00	3	\$16,308
Illinois office costs	--	each	\$3,500.00	3	\$10,500
nc. (Schaumburg); Grundfos SQ 4" NPT discharge port, PE/SS V 3" motor. Type 10SQ07-240	--	each	\$770.70	3	\$2,313
, 260 cy / hr ; borrow volume = e of gravel envelope (389 cy)	31 23 16 42 0300	c.y.	\$1.45	1,555.44	\$2,256
1/2-mile RT, 3.4 loads / hr	31 23 23 20 8160	c.y.	\$1.85	1,555.44	\$2,878
aterial, no compaction	31 23 23 17 0200	c.y.	\$1.73	1,555.44	\$2,691
ade - - large area	31 14 13 10 1020	s.y.	\$0.88	2,916.67	\$2,567
trench, polypropylene	33 46 26 10 0100	s.y.	\$1.85	825.00	\$1,527
				Subtotal:	\$72,148
Materials (Bartlett, IL)	--	c.y.	\$11.20	4,861.11	\$54,445
Materials (Bartlett, IL)	--	c.y.	\$20.80	4,861.11	\$101,112
aterial, no compaction	31 23 23 17 0200	c.y.	\$1.73	4,861.11	\$8,410
				Subtotal:	\$163,967
common earth, 260 cy / hr, add dump trucks	31 23 16 42 0300	c.y.	\$1.66	19,444.44	\$32,200
1/2-mile RT, 3.4 loads / hr	31 23 23 20 8160	c.y.	\$1.85	19,444.44	\$35,973
aterial, no compaction	31 23 23 17 0200	c.y.	\$1.73	19,444.44	\$33,639
passes	31 23 23 23 5620	c.y.	\$1.03	19,444.44	\$20,028
				Subtotal:	\$121,840
ep, 1 cy hydraulic backhoe	41 23 16 13 1300	c.y.	\$4.73	1,629.63	\$7,709
Materials (Bartlett, IL)	--	c.y.	\$11.20	1,467.00	\$16,431

Description	Assu
Leachate Collection, Extracti	
- hauling sand from source to lf site	sand FM-02, Bluff C
- gravel envelope (2' W x 2' D x 1,100' L)	stone 3/4" , Bluff City
- hauling gravel from source to site	Bluff City Materi
- backfill trench w/FE Loader (granular layer - sand)	trench backfill, 2-1/4 C.Y. bucke m
- backfill trench w/FE Loader (gravel envelope)	trench backfill, 2-1/4 C.Y. bucke m
- 6" dia. HDPE perforated pipe (1,000' lateral piping)	APP&:
- geotextile fabric (2' W x 4 sides x 1,100' L)	geotextile fabric, laic
- 8" dia. HDPE vertical riser / cleanout pipes (one at each end of trench, 26' each)	APP&:
- welding of 6" , 8" dia HDPE pipe (butt fusion joints)	APP&S, \$100/day eq
- submersible pumps @ 10 gpm each	Illinois Processing Equipment, # 10:
<u>Conveyance Piping Between L117 & L120:</u>	
- 2" dia. solid HDPE conveyance pipe (1,310' L)	APP&
- welding of 2" dia HDPE pipe (butt fusion joints)	APP&S, \$50/day eq
- trenching of conveyance line (1,310' L x 3' 2" D)	trenching 1-4' deep with
- backfill conveyance line trench (1,310' L x 3' 2" D)	fill, spread dumped
<u>Vertical Leachate Extraction Wells L117 & L118:</u>	
- 12" dia. solid HDPE pipe (2 extraction wells @ 69' + 78' deep, w/10' perforated)	APP&S; SDR 17; assume 10' l total pipe length
- 12" dia. perforated HDPE pipe (2 wells w/ 10' perforated sections each = 20')	APP&
- welding of 12" dia HDPE pipe (butt fusion joints)	APP&S, \$225/day ec
- submersible pumps @ 10 gpm each	Illinois Processing Equipment, # 10
- drilling / installation of extraction wells	Subsurface investigation, bo and crew with truck mounted added 65% to unit cost to a the setup time, required he time to drill through the w drilling time and rei
- drilling / well installation materials (cement, gravel, bentonite, etc)	cost estimate from CD
- mobilization / demobilization of drilling equipment (extraction wells)	cost estimate from CD
<u>Leachate Storage AST & Conveyance Line Under Ashely Road:</u>	

Items	2009 Means Cost Code	Unit	Unit Cost	Qty.	Total Cost
Storage Systems - Parcel A					
Materials (Bartlett, IL)	--	c.y.	\$20.80	1,467.00	\$30,514
Materials (Bartlett, Illinois)	--	c.y.	\$15.70	162.96	\$2,559
Bartlett, Illinois)	--	c.y.	\$20.80	162.96	\$3,390
10' haul, front end loader, wheel load	31 23 16 13 3090	c.y.	\$3.43	1,467.00	\$5,032
10' haul, front end loader, wheel load	31 23 16 13 3090	c.y.	\$3.43	162.96	\$559
DR 17)	33 11 13 35 0200	l.f.	\$3.49	1,100.00	\$3,773
linch, polypropylene	33 46 26 10 0100	s.y.	\$1.85	978.00	\$1,810
DR 17)	--	l.f.	\$4.49	52.00	\$234
+ \$600 day technician	--	day	\$700.00	2	\$1,400
(Schaumburg), Grundfos Model 7-240	--	each	\$778.00	2	\$1,556
Subtotal:					\$74,967
DR 11)	--	l.f.	\$0.56	1,310.00	\$734
+ \$600 day technician	--	day	\$650.00	1.5	\$975
y. tractor loader/backhoe	31 22 16 13 0050	c.y.	\$7.50	153.64	\$1,153
erial, no compaction	31 23 23 17 0200	c.y.	\$1.73	153.64	\$266
Subtotal:					\$3,128
rated screen on each, therefore ' +78' - 20' =127'	--	l.f.	\$10.18	127	\$1,293
DR 17	--	l.f.	\$11.50	20	\$230
+ \$600 day technician	--	day	\$825.00	0.5	\$413
(Schaumburg), Grundfos Model 7-240	--	each	\$778.00	2	\$1,556
and exploratory drilling, drill rig includes bit, layout and set up; nt for environmental drilling, safety (SOP), and additional fill; assumed 100 ft.per day ng time to install well	02 32 13 10 1400	day	\$3,671.25	2.5	\$9,179
dfill closure project, 2009	--	l.s.	\$350.00	1	\$350
dfill closure project, 2009	--	l.s.	\$600.00	1	\$600
Subtotal:					\$13,621

Description	Assessment
Leachate Collection, Extrac	
- leachate storage tank (50,000 gallon tank)\	cost estimate from CDC
- lift station	cost estimate from CDC

itions	2009 Means Cost Code	Unit	Unit Cost	Qty.	Total Cost
& Storage Systems - Parcel A					
fill closure project, 2009	--	each	\$100,000.00	1	\$100,000
fill closure project, 2009	- -	each	\$75,000.00	1	\$75,000
				Subtotal:	\$175,000
				Total:	\$624,671

MORRIS COM COST ESTIMATE FOR				
WORK ACTIVITY	UNITS	UNIT COSTS	2009 MEANS COST CODE	DESCRIPTION OF UNIT COSTS
General Costs				
Mob/Demob	lump sum	\$15,000	Shaw Estimate ¹	NA
Remove Protective Cover⁵				
Excavate w/scraper	c.y.	\$4.73	31231 650 2500	Excavation, bulk, scrapers, ban haul, 21 C.Y. bucket, self propel dozer
Replace Previously Removed Protective Cover				
Place Cover Soil with Scraper	c.y.	\$4.73	31231 650 2500	Excavation, bulk, scrapers, ban haul, 21 C.Y. bucket, self propel dozer
Supplement Protective Cover with Material from Nearby Sources^{2,5}				
Borrow, excavate w/backhoe	c.y.	\$2.30	31231 642 0300	Excavating, bulk bank measure C.Y./hour, backhoe, hydraulic, truck loading
		60%	31231 642 4100	Excavating, bulk bank measure add
Borrow, hauling	c.y.	\$3.56	31232 320 1018	Cycle hauling(wait, load,travel, time per cycle, excavated or borrow min load/wait/unload, 12 CY truck no loading equipment
Backfill w/dozer	c.y.	\$2.43	31232 314 2240	Backfill, structural, clay, 80 H.P.
Fine Grading	s.y.	\$0.68	312216100100	Fine grading, for roadway, base area, 6,000 S.Y. or more
Vegetation				
Seed and Mulch	1k - s.f.	\$51.50	32921 914 4600	Seeding athletic fields, seeding fertilizer, 6 lb. per M.S.F., hydro

Notes:

1. "Shaw Estimate" taken from Congress Development Company Landfill 2009 project costs.
2. "Nearby Sources" assumes soils will be obtained from adjacent property(s).
3. Area requiring final cover was obtained from "Landfill Cover Characterization and Verification of Thickness Report" dated November 2007.
4. Thickness of final cover material was obtained from "Landfill Cover Characterization and Verification of Thickness Report" dated November 2007.
5. Assume 3-feet of protective soil cover and 3-feet of compacted clay layer

**CITY LANDFILL
 RECELL A FINAL COVER**

MEANS COST CODE	AREA ³ (ACRES)	AREA (FT ²)	THICKNESS ^{4,6} (FT)	VOLUME (FT ³)	VOLUME (YD ³)	NO. OF UNITS	COSTS
	NA	NA	NA	NA	NA	1	\$15,000
subtotal:							\$15,000
asure, clay, 1500' crapers, 1/4 push	25.00	1,089,000	1.485	1,617,165	59,895	59,895	\$283,303
subtotal:							\$283,303
asure, clay, 1500' crapers, 1/4 push	25.00	1,089,000	1.485	1,617,165	59,895	59,895	\$283,303
subtotal:							\$283,303
Y. capacity = 160 er mounted, excluding	25.00	1,089,000	1.515	1,649,835	61,105	61,105	\$140,542
heavy soil or stiff clay,							\$84,325
d or dump & return) loose cubic yards, 15 cle 2 miles, 15 MPH,	25.00	1,089,000	1.515	1,649,835	61,105	61,105	\$217,534
er, 150' haul	25.00	1,089,000	1.515	1,649,835	61,105	61,105	\$148,485
veling course, large	25.00	1,089,000	NA	NA	NA	121,000	\$82,280
subtotal:							\$673,165
e mix with mulch and r seeding	25.00	1,089,000	NA	NA	NA	1,089	\$56,084
subtotal:							\$56,084
TOTAL:							\$1,310,856

ual waste disposal footprint is 20.18 acres; however 25 acres was assumed to account for perimeter grading / tie-in.



MORRIS COMMUNITY LANDFILL STORMWATER & FINAL COVER CERTIFICATION COSTS PARCEL A				
Item	Qty	Unit	Unit Cost	Amount
Earthwork req'd for Stormwater Features	Lump Sum	-	\$85,000	\$85,000
Final Cover Certification	Lump Sum	-	\$85,000	\$85,000
TOTAL:				\$170,000
Source:				
CDC Landfill 2009 Costs				

Morris Community Landfill - Parcel A							
Revised Cost Estimates for Post-Closure Care							
Total Area (acres)		25					
Description	Quantity	Unit	Unit Price	Annual Cost	Years	Total Cost	
Inspection							
Year 1-5	4	inspection	\$240.00	\$960.00	5	\$4,800	
Year 6-30	1	inspection	\$240.00	\$240.00	25	\$6,000	
Cover Maintenance							
Year 1-5 (0.5 %)	605	cy	\$2.96	\$1,790.80	5	\$8,954	
Year 6-30 (0.2%)	242	cy	\$2.96	\$716.32	25	\$17,908	
Vegetation Maintenance							
Year 1-5 (1.0 %)	0.250	acres	\$1,176.12	\$294.03	5	\$1,470	
Year 6-30 (0.5%)	0.125	acres	\$1,176.12	\$147.02	25	\$3,675	
Mowing	25	acres	\$30.00	\$750.00	30	\$22,500	
Miscellaneous Maintenance	1	lump-sum	\$1,000.00	\$1,000.00	30	\$30,000	
Subtotal for Inspections and Maintenance						\$95,308	
Groundwater Monitoring	# of wells		price per well				
Year 1-30 Collection and Reporting	10	4	events	\$80	\$3,200.00	30	\$96,000
Year 1-30 Lab Testing (Quarterly Analytical)	10	4	events	\$180	\$7,200.00	30	\$216,000
Year 1-30 Lab Testing (Annual Analytical)	10	1	events	\$1,313	\$13,130.00	30	\$393,900
Groundwater Monitoring Wells Abandonment	1	lump-sum	\$15,000	--	--	\$15,000	
Piezometer Water Level Measurements (7 Piezometers / Quaterly)	4	events	\$100	\$400.00	30	\$12,000	
Piezometer Abandonment	1	lump-sum	\$1,200	--	--	\$1,200	
Subtotal for Groundwater Monitoring						\$734,100	
Leachate Testing							
Year 1-30 Collection & Reporting (1st Qtr.)	3	sampling locations	\$60	\$180.00	30	\$5,400	



Morris Community Landfill - Parcel A						
Revised Cost Estimates for Post-Closure Care						
Year 1-30 Collection & Reporting (2nd Qtr.)	2	sampling locations	\$60	\$120.00	30	\$3,600
Year 1-30 Collection & Reporting (3rd Qtr.)	4	sampling locations	\$60	\$240.00	30	\$7,200
Year 1-30 Collection & Reporting (4th Qtr.)	3	sampling locations	\$60	\$180.00	30	\$5,400
Year 1-30 Lab Testing (IEPA List L1, Semi-annual)	2	events	\$1,920.00	\$3,840.00	30	\$115,200
Year 1-30 Lab Testing (IEPA List L2, every two years)	0.5	event	\$5,550.00	\$2,775.00	30	\$83,250
Year 1-30 Lab Testing (IEPA List L3, every two years)	0.5	event	\$4,980.00	\$2,490.00	30	\$74,700
Leachate Treatment	727,648	gallons	\$0.00082	\$596.67	30	\$17,900
Leachate Operation & Maintenance	1	lump-sum	\$1,068.00	\$1,068.00	30	\$32,040
Leachate Management System Abandonment	1	lump-sum	\$5,000	--	--	\$5,000
Subtotal for Leachate Management and Monitoring Operations						\$349,690
Landfill Gas Monitoring (13 probes)						
Year 1-5 (Monthly)	12	events	\$240	\$2,880.00	5	\$14,400
Year 6-30 (Quarterly)	4	events	\$240	\$960.00	25	\$24,000
Landfill Gas Management System Abandonment	1	lump-sum	\$10,000	--	--	\$10,000
Landfill Gas Probes Abandonment	1	lump-sum	\$5,000	--	--	\$5,000
Subtotal for Landfill Gas Management and Monitoring Operations						\$53,400
Subtotal for Parcel A						\$1,232,498
Administration & Contingencies (3%)						\$36,975
Total for Parcel A						\$1,269,473

HINSHAW

& CULBERTSON LLP

ATTORNEYS AT LAW

100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

815-490-4900
815-490-4901 (fax)
www.hinshawlaw.com

August 17, 2009

Mr. Stephen F. Nightingale,, P.E.
Permit Section Manager
IEPA-Bureau of Land
1021 North Grand Avenue East
Springfield, IL 62794-9276

Re: Morris Community Landfill - Parcel A
Permit No. 2000-155-LFM

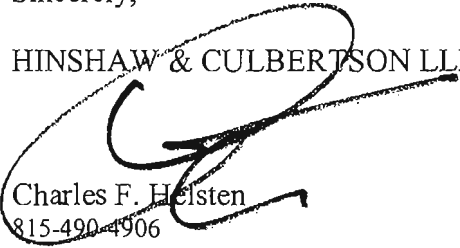
Dear Mr. Nightingale,:

The enclosed submission, prepared by Shaw Environmental, represents a contemporaneous estimate of Site closure/post closure costs that accurately reflects current Site conditions. This submission is not intended to be, and should not be construed as, an admission by conduct that the City believes itself to be responsible for any closure/post closure activities at the Site, and, in point of fact, the City expressly denies the same. Submission of this application is without prejudice to any of the City's legal positions, and the City reserves its right to litigate all legal issues, including those currently subject of litigation before the PCB and in court.

Although Community Landfill Company ("CLC") was asked to sign the enclosed submission, it has asserted that it will be unable to do so until it has had time to adequately review the document. In the interest of providing a timely updated estimate, the City therefore provides the enclosed submission which does not bear the signature of the landfill operator, CLC. The City presumes, but cannot guarantee, that CLC intends to submit its response to the enclosed estimates at a later date.

Sincerely,

HINSHAW & CULBERTSON LLP



Charles F. Helsten
815-490-4906
chelsten@hinshawlaw.com

CFH:jl

AUG 18 2009

HINSHAW

& CULBERTSON LLP

August 17, 2009

Mr. Stephen F. Nightingale,, P.E.
Permit Section Manager
IEPA-Bureau of Land
1021 North Grand Avenue East
Springfield, IL 62794-9276

ATTORNEYS AT LAW

100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

815-490-4900
815-490-4901 (fax)
www.hinshawlaw.com

Re: Morris Community Landfill - Parcel B
Permit No. 2000-156-LFM

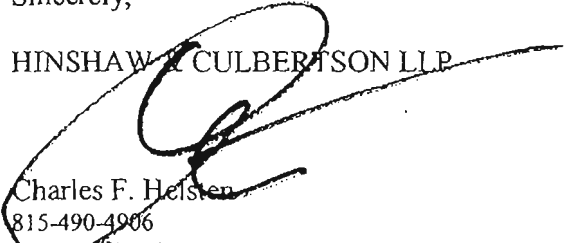
Dear Mr. Nightingale,:

The enclosed submission, prepared by Shaw Environmental, represents a contemporaneous estimate of Site closure/post closure costs that accurately reflects current Site conditions. This submission is not intended to be, and should not be construed as, an admission by conduct that the City believes itself to be responsible for any closure/post closure activities at the Site, and, in point of fact, the City expressly denies the same. Submission of this application is without prejudice to any of the City's legal positions, and the City reserves its right to litigate all legal issues, including those currently subject of litigation before the PCB and in court.

Although Community Landfill Company ("CLC") was asked to sign the enclosed submission, it has asserted that it will be unable to do so until it has had time to adequately review the document. In the interest of providing a timely updated estimate, the City therefore provides the enclosed submission which does not bear the signature of the landfill operator, CLC. The City presumes, but cannot guarantee, that CLC intends to submit its response to the enclosed estimates at a later date.

Sincerely,

HINSHAW & CULBERTSON LLP


Charles F. Helsten
815-490-4906
chelsten@hinshawlaw.com

CFH:jl



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 B (Permit No. 200-156-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 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 positioned above the printed name.

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

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

ATTACHMENT 1



Illinois
Environmental
Protection Agency

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

GENERAL APPLICATION FOR PERMIT (LPC-PA1)

This form must be used for any application for permit, except for landscape waste composting or hazardous waste management facilities regulated in accordance with RCRA, Subtitle C from the Bureau of Land. One original and two (2) photocopies, or three (3) if applicable, of all permit application forms must be submitted. Attach the original and appropriate number of copies of any necessary plans, specifications, reports, etc. to fully support and describe the activities or modifications being proposed. Attach sufficient information to demonstrate compliance with all applicable regulatory requirements. Incomplete applications will be rejected. Please refer to the instructions for further guidance.

Note: Permit applications which are hand-delivered to the Bureau of Land, Permit Section must be delivered to 1021 North Grand Avenue East between the hours of 8:30 a.m. to 5:00 p.m., Monday through Friday (excluding State holidays).

Please type or print legibly.

I. SITE IDENTIFICATION

Name: Community Landfill - Parcel B Site # (Illinois EPA): 063060001
Physical Site Location (street, road, etc.): 1501 Ashley Road
City, Zip Code: Morris 60450 County: Grundy
Existing DE/OP Permit Nos. (if applicable): 2000-156-LFM

II. OWNER/OPERATOR IDENTIFICATION

OWNER

OPERATOR

Name: City of Morris Community Landfill
Address: 320 Wauponsee 1501 S. Ashley Road
Morris, Illinois 60450 Morris, Illinois 60450
Contact Name: Mayor Richard Kopczick Robert Pruim
Phone #: (815) 942-0103 (815) 942-3941

III. PERMIT APPLICATION IDENTIFICATION

TYPE SUBMISSION/REVIEW PERIOD:

- ☐ New Landfill/180 days (35 IAC Part 813)
- ☐ Landfill Expansion/180 days (35 IAC Part 813)
- ☐ Sign. Mod to Operate/90 days (35 IAC Part 813)
- ☒ Other Sign. Mod/90 days (35 IAC Part 813)
- ☐ Renewal of Landfill 90 days (35 IAC Part 813)
- ☐ Developmental/90 days (35 IAC Part 807)
- ☐ Operating/45 days (35 IAC Part 807)
- ☐ Supplemental/90 days (35 IAC Part 807)
- ☐ Permit Transfer/90 days (35 IAC Part 807)
- ☐ Renewal of Experimental Permit (35 IAC Part 807)

TYPE FACILITY:

- ☒ Landfill
- ☐ Land Treatment
- ☐ Transfer Station
- ☐ Treatment
- ☐ Storage
- ☐ Incinerator
- ☐ Composting
- ☐ Recycling/Reclamation
- ☐ Other (Specify) _____

TYPE WASTE:

- ☒ General Municipal Refuse
- ☐ Hazardous
- ☐ Special (Non-hazardous)
- ☐ Chemical Only (exc. putrescible)
- ☐ Inert Only (exc. chemical and putrescible)
- ☐ Used Oil
- ☐ Potentially Infectious Medical Waste
- ☐ Landscape Waste
- ☐ Other (Specify) _____

DESCRIPTION OF THIS PERMIT REQUEST: (Include a brief narrative description here.)

Revised Closure and Post-Closure Care cost estimates for Community Landfill - Parcel B.

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? ☒ Yes ☐ No ☐ N/A
(If so, provide a list of those recipients of the required public notice letters for Illinois EPA retention.)
Such retention shall not imply any Illinois EPA review and/or confirmation of the list.)
2. a. Is the Siting Certification Form (LPC-PA8) completed and enclosed? ☐ Yes ☐ No ☒ N/A
b. Is siting approval currently under litigation? ☐ Yes ☐ No ☒ N/A
3. a. Is a closure, and if necessary a post closure, plan covering these activities being submitted, or ☐ Yes ☒ No ☐ N/A
b. has one already been approved? (Provide permit number 2000-156-LFM.) ☒ 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 ☒ 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 ☒ No ☐ N/A
5. a. Is land ownership held in beneficial trust? ☐ Yes ☒ No ☐ N/A
b. If yes, is a beneficial trust certification form (LPC-PA9) completed and enclosed? ☐ Yes ☐ No ☒ 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 ☒ No ☐ N/A
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

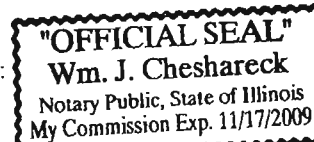
Operator Signature: _____ Title: _____ Date: _____

Operator FEIN or S.S. Number: _____

Notary: Subscribe and sworn before me this 17 day of August 2009

Notary Signature: [Signature]

My commission expires on: 11-17-2009



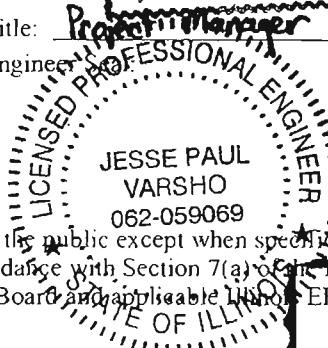
Engineer Signature: [Signature]

Engineer Address: 1607 E. Main Street
St. Charles, IL 60174

Title: Project Manager Date: 8-13-09

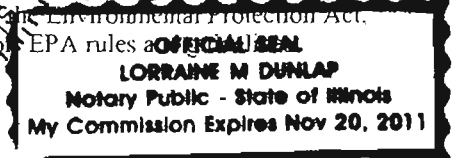
Engineer: [Signature]

Engineer Phone No. 630 760-1400



Lorraine M. Dunlap, Notary Public for Jesse P. Varsho

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 Illinois EPA rules and regulations.



LIST OF ELECTED OFFICIALS AND CONCERNED CITIZENS (FORM LPC-PA16)

1. Sheldon Sobol, State's Attorney
111 East Washington Street
Morris, IL 60450
2. Mayor Richard Kopczick
City of Morris
320 Wauponsee Street
Morris, IL 60450
3. Congresswoman Debbie Halvorson
United States Congress
11th Congressional District
166 N. Chicago St., Suite 401
Joliet, IL 60432
4. Senator Gary G. Dahl
Senate District 38
103 Fifth Street
Peru, IL 61345
5. Representative Careen Gordon
Illinois House of Representative District 75
760 East Division
Coal City, IL 60416
6. Francis E. Halpin, County Board Chairman
111 East Washington Street
P.O. Box 675
Morris, IL 60450
7. Lana J. Phillips, County Clerk
111 East Washington Street
P.O. Box 675
Morris, IL 60450





Illinois
Environmental
Protection Agency

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

Representative Careen Gordon

Illinois House Of Representative

District 75 NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)

760 East Division

Coal City, Illinois 60416

Date: August 17, 2009

To Elected Officials and Concerned Citizens:

The purpose of this notice is to inform you that a permit application has been submitted to the IEPA, Bureau of Land, for a solid waste project described below. You are not obligated to respond to this notice, however, if you have any comments, please submit them in writing to the address below, or call the Permit Section at 217/524-3300, within twenty-one (21) days.

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

The permit application, which is identified below, is for a project described at the bottom of this page.

SITE IDENTIFICATION

Site Name: Community Landfill - Parcel B

Site # (IEPA): 0630600001

Address: 1501 Ashley Road

City: Morris

County: Grundy

TYPE PERMIT SUBMISSIONS:

New Landfill ☐
Landfill Expansion ☐
First Significant Modification ☐
Significant Modification to Operate ☐
Other Significant Modification ☒
Renewal of Landfill ☐
Development ☐
Operating ☐
Supplemental ☐
Transfer ☐
Name Change ☐
Generic ☐

TYPE FACILITY:

Landfill ☒
Land Treatment ☐
Transfer Station ☐
Treatment Facility ☐
Storage ☐
Incinerator ☐
Composting ☐
Recycling/Reclamation ☐
Other ☐

TYPE WASTE:

General Municipal Refuse ☒
Hazardous ☐
Special (Non-Hazardous) Chemical Only ☐
(exec. putrescible) ☐
Inert Only ☐
(exec. chem. & putrescible) ☐
Used Oil ☐
Solvents ☐
Landscape/Yard Waste ☐
Other (Specify _____) ☐

DESCRIPTION OF PROJECT:

Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel B

Please retain a copy for your own use.



Illinois
Environmental
Protection Agency

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

Senator Gary G. Dahl
Senate District 38
103 Fifth Street
Peru, Illinois 61345

NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)

Date: August 17, 2009

To Elected Officials and Concerned Citizens:

The purpose of this notice is to inform you that a permit application has been submitted to the IEPA, Bureau of Land, for a solid waste project described below. You are not obligated to respond to this notice, however, if you have any comments, please submit them in writing to the address below, or call the Permit Section at 217/524-3300, within twenty-one (21) days.

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

The permit application, which is identified below, is for a project described at the bottom of this page.

SITE IDENTIFICATION

Site Name: Community Landfill - Parcel B

Site # (IEPA): 0630600001

Address: 1501 Ashley Road

City: Morris

County: Grundy

TYPE PERMIT SUBMISSIONS:

New Landfill	<input type="checkbox"/>
Landfill Expansion	<input type="checkbox"/>
First Significant Modification	<input type="checkbox"/>
Significant Modification to Operate	<input type="checkbox"/>
Other Significant Modification	<input checked="" type="checkbox"/>
Renewal of Landfill	<input type="checkbox"/>
Development	<input type="checkbox"/>
Operating	<input type="checkbox"/>
Supplemental	<input type="checkbox"/>
Transfer	<input type="checkbox"/>
Name Change	<input type="checkbox"/>
Generic	<input type="checkbox"/>

TYPE FACILITY:

Landfill	<input checked="" type="checkbox"/>
Land Treatment	<input type="checkbox"/>
Transfer Station	<input type="checkbox"/>
Treatment Facility	<input type="checkbox"/>
Storage	<input type="checkbox"/>
Incinerator	<input type="checkbox"/>
Composting	<input type="checkbox"/>
Recycling/Reclamation	<input type="checkbox"/>
Other	<input type="checkbox"/>

TYPE WASTE:

General Municipal Refuse	<input checked="" type="checkbox"/>
Hazardous	<input type="checkbox"/>
Special (Non-Hazardous) Chemical Only	<input type="checkbox"/>
(exec. putrescible)	<input type="checkbox"/>
Inert Only	<input type="checkbox"/>
(exec. chem. & putrescible)	<input type="checkbox"/>
Used Oil	<input type="checkbox"/>
Solvents	<input type="checkbox"/>
Landscape Yard Waste	<input type="checkbox"/>
Other (Specify _____)	<input type="checkbox"/>

DESCRIPTION OF PROJECT:

Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel B

Please retain a copy for your own use.



Congresswoman Debbie Halvorson
United States Congress
11th Congressional District
116 N. Chicago Street, Suite 401
Joliet, Illinois 60342

Illinois
Environmental
Protection Agency

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

NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)

Date: August 17, 2009

To Elected Officials and Concerned Citizens:

The purpose of this notice is to inform you that a permit application has been submitted to the IEPA, Bureau of Land, for a solid waste project described below. You are not obligated to respond to this notice, however, if you have any comments, please submit them in writing to the address below, or call the Permit Section at 217/524-3300, within twenty-one (21) days.

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

The permit application, which is identified below, is for a project described at the bottom of this page.

SITE IDENTIFICATION

Site Name: Community Landfill - Parcel B

Site # (IEPA): 0630600001

Address: 1501 Ashley Road

City: Morris

County: Grundy

TYPE PERMIT SUBMISSIONS:

New Landfill ☐
Landfill Expansion ☐
First Significant Modification ☐
Significant Modification to Operate ☐
Other Significant Modification ☒
Renewal of Landfill Development ☐
Operating Supplemental ☐
Transfer ☐
Name Change ☐
Generic ☐

TYPE FACILITY:

Landfill ☒
Land Treatment ☐
Transfer Station ☐
Treatment Facility ☐
Storage ☐
Incinerator ☐
Composting ☐
Recycling/Reclamation ☐
Other ☐

TYPE WASTE:

General Municipal Refuse ☒
Hazardous ☐
Special (Non-Hazardous) Chemical Only ☐
(exec. putrescible) ☐
Inert Only ☐
(exec. chem. & putrescible) ☐
Used Oil ☐
Solvents ☐
Landscape Yard Waste ☐
Other (Specify _____) ☐

DESCRIPTION OF PROJECT:

Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel B

Please retain a copy for your own use.

Electronic Filing - Received, Clerk's Office, August 31, 2009



Illinois
Environmental
Protection Agency

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

Lana J. Phillips, County Clerk

111 East Washington Street

P.O. Box 675 **NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)**
Morris, Illinois 60450

Date: August 17, 2009

To Elected Officials and Concerned Citizens:

The purpose of this notice is to inform you that a permit application has been submitted to the IEPA, Bureau of Land, for a solid waste project described below. You are not obligated to respond to this notice, however, if you have any comments, please submit them in writing to the address below, or call the Permit Section at 217/524-3300, within twenty-one (21) days.

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

The permit application, which is identified below, is for a project described at the bottom of this page.

SITE IDENTIFICATION

Site Name: Community Landfill - Parcel B

Site # (IEPA): 0630600001

Address: 1501 Ashley Road

City: Morris

County: Grundy

TYPE PERMIT SUBMISSIONS:

New Landfill ☐
Landfill Expansion ☐
First Significant Modification ☐
Significant Modification to Operate ☐
Other Significant Modification ☒
Renewal of Landfill ☐
Development ☐
Operating ☐
Supplemental ☐
Transfer ☐
Name Change ☐
Generic ☐

TYPE FACILITY:

Landfill ☒
Land Treatment ☐
Transfer Station ☐
Treatment Facility ☐
Storage ☐
Incinerator ☐
Composting ☐
Recycling/Reclamation ☐
Other ☐

TYPE WASTE:

General Municipal Refuse ☒
Hazardous ☐
Special (Non-Hazardous) Chemical Only ☐
(exec. putrescible) ☐
Inert Only ☐
(exec. chem. & putrescible) ☐
Used Oil ☐
Solvents ☐
Landscape/Yard Waste ☐
Other (Specify _____) ☐

DESCRIPTION OF PROJECT:

Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel B

Please retain a copy for your own use.

July 09, 11:11 AM
H-337-00111
LPC-PA16-Rev-1 July 09

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111.1, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.



Illinois
Environmental
Protection Agency

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

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

NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)

Date: August 17, 2009

To Elected Officials and Concerned Citizens:

The purpose of this notice is to inform you that a permit application has been submitted to the IEPA, Bureau of Land, for a solid waste project described below. You are not obligated to respond to this notice, however, if you have any comments, please submit them in writing to the address below, or call the Permit Section at 217/524-3300, within twenty-one (21) days.

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

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DESCRIPTION OF PROJECT:

Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel B

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Box 19276
Springfield, IL 62794-9276

Sheldon Sobol, State's Attorney
111 East Washington Street
Morris, Illinois 60450

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Revised Closure and Post-Closure Care cost estimates for Morris Community Landfill - Parcel B

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

Francis E. Halpin, County Board
Chairman

111 East Washington Street

P.O. Box 675 NOTICE OF APPLICATION FOR PERMIT TO MANAGE WASTE (LPC-PA16)
Morris, Illinois 60450

Date: August 17, 2009

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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.

Richard P. Kopczuk
Owner Signature

8-17-09

(date)

Mayor
Title

Operator Signature

(date)

Title

J. Varsho
Engineer Signature
(if necessary)

8-13-09

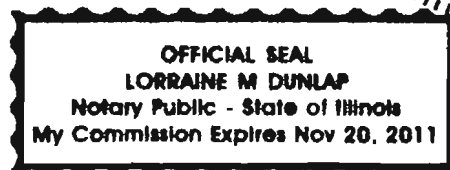
(date)



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

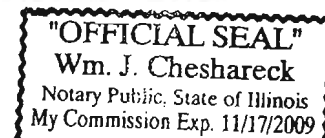
Lorraine M. Dunlap
Notary Public for *Jesse P. Varsho*

My Commission Expires: 11/20/2011



[Notary Seal]

*Wm J Cheshareck 8-17-09
for Richard P. Kopczuk*



ATTACHMENT 2

Morris Community Landfill - Parcel B Revised Cost Estimates for Post-Closure Care	
Description	Cost
Closure Costs:	
- Groundwater Monitoring Wells	\$33,960
- 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

MORRIS COMMUNITY LANDFILL GROUNDWATER MONITORING WELL COSTS - PARCEL B				
Description	Units	Unit Cost	Est.Qty.	Est. Cost
Mobilization and Demobilization of Drill Rig and Crew	each	\$1,325.00	1	\$1,325.00
<u>Drilling and Sampling:</u>				
- HAS w/continuous split spoon sampling: 0 - 25 foot depth	foot	\$20.00	125	\$2,500.00
- HAS w/continuous split spoon sampling: 25 - 35 foot depth	foot	\$28.00	50	\$1,400.00
<u>Well Installation:</u>				
- blind drill to 6" diameter	foot	\$24.00	175	\$4,200.00
- install wells at 35 foot depth	each	\$700.00	5	\$3,500.00
- well development (assume 2 hours per well)	hour	\$110.00	10	\$1,100.00
<u>Well Materials:</u>				
- 2" x 10' PVC screen	each	\$55.00	5	
- 2" sched.40 PVC riser	foot	\$2.75	125	\$343.75
- sand	bag	\$7.00	35	\$245.00
- bentonite chips	bag	\$11.00	6.5	\$71.50
- bentonite grout	bag	\$25.00	15	\$375.00
- 4" x 5' steel protectors	each	\$125.00	5	\$625.00
- bumper posts with yellow cover	each	\$100.00	5	\$500.00
- concrete mix	bag	\$10.00	17.5	\$175.00
<u>Equipment and Travel Per Diem:</u>				
- water truck	lump sum	\$750.00	5	\$3,750.00
- Ardco carrier and trailer	lump sum	\$750.00	1	\$750.00
- air compressor and hammer	week	\$1,500.00	1	\$1,500.00
- travel per diem for drill crew	rig day	\$200.00	5	\$1,000.00
Shaw On-Site / Oversight	Per Hour	\$115	40	\$4,600
Surveying of New Wells	Lump Sum	\$3,000	1	\$3,000
IEPA Permit Application	Lump Sum	\$3,000	1	\$3,000
TOTAL:				\$33,960
<u>Source:</u>				
May 2009 costs provided by Testing Service Corporation (Carol Stream, IL) for the Environtech Landfill project.				
Costs for surveying and permitting obtained from CDC Landfill 2009 costs				
<u>Assumptions:</u>				
1. Five wells to be installed.				
2. Average depth of well equal to 35 feet.				

Description	Assessment
	Leachate Collection
<u>Leachate Conveyance Piping/Trenching</u>	
- 2" HDPE solid pipe conveyance line (2,150' - 150' = 2000')	SDR 11, 40' lengths, butt fused L102 to L105, and from L105 to L106
- 6" I.D. HDPE dual containment pipe (150' L) fr. 2" conveyance line to lift station	SDR 17; I.D. 4.76'
- trenching to bury 2" dia. pipe (1' W x 3' 2" D x (2,000' +3,300') L)	trenching 1-4' deep with trench backfill, 2-1/4 C.Y. backfill
- backfill trench for 2" dia. pipe	n
- trenching to bury dual containment pipe (2' x 3' 10" x 150')	trenching 1-4' deep with trench backfill, 2-1/4 C.Y. backfill
- backfill trench for dual containment pipe	n
- welding of 2" HDPE pipe (technician and equipment)	APP&S, \$50/day eq
- welding of 6" HDPE pipe (technician and equipment)	APP&S, \$100/day eq
<u>Replacement/Install of Damaged Manhole/Submersible leachate pumps</u>	
- replace collar of damaged 36" HDPE manhole	Forrer Supply
- submersible pumps @ 10 gpm each (4 manholes)	Illinois Processing Equipment, # 10
<u>Abandoning Temporary Leachate Extraction Wells</u>	
- abandonment of 3 temporary leachate wells, excavation	Common earth, hydr
- abandonment of 3 temporary leachate wells, backfill clean material	60 cy rear / bottom dur
- abandonment of 3 temporary leachate wells, fill clean material	fill, spread dumped

ions	2009 Means Cost Code	Unit	Unit Cost	Qty.	Total Cost
System - Parcel B					
ints ; new pipe installed from through L104 to lift station	cost provided by APP&S	l.f.	\$0.56	2,000.00	\$1,120
, O.D. = 10"	cost provided by APP&S	l.f.	\$15.04	150.00	\$2,256
/. tractor loader/backhoe	31 22 16 13 0050	c.y.	\$7.50	621.60	\$4,663
0' haul, front end loader, wheel d	31 23 16 13 3090	c.y.	\$3.43	621.60	\$2,133
/. tractor loader/backhoe	31 22 16 13 0050	c.y.	\$7.50	42.59	\$320
0' haul, front end loader, wheel d	31 23 16 13 3090	c.y.	\$3.43	42.59	\$147
\$600 day technician	--	day	\$650.00	2	\$1,300
\$600 day technician	--	day	\$700.00	0.5	\$350
				subtotal:	\$12,289
shaped collar)	--	each	\$500.00	1	\$500
Schaumburg), Grundfos Model -240	--	each	\$770.70	4	\$3,083
				subtotal:	\$3,583
backhoe, 1 c.y. bucket	31 23 16 16 6040	c.y.	\$14.00	10.00	\$140
2-mile RT, 3.4 loads / hr	31 23 23 20 8160	c.y.	\$1.85	10.00	\$19
erial, no compaction	31 23 23 17 0200	c.y.	\$1.73	10.00	\$18
				subtotal:	\$177
				Total:	\$16,049

MORRIS COMMUNITY CENTER COST ESTIMATE FOR PROJECT				
WORK ACTIVITY	UNITS	UNIT COSTS	2009 MEANS COST CODE	DESCRIPTION OF UNIT COST
General Costs				
Mob/Demob	<i>lump sum</i>	\$15,000	Shaw Estimate ¹	NA
Remove Protective Cover⁵				
Excavate w/scrapper	c.y.	\$4.73	31231 650 2500	Excavation, bulk, scrapers, bank haul, 21 C.Y. bucket, self propelled dozer
Supplement Compacted Clay Layer with Nearby Soil Sources^{2,5}				
Borrow, excavate w/backhoe	c.y.	\$2.30	31231 642 0300	Excavating, bulk bank measure, 1 C.Y./hour, backhoe, hydraulic, crane truck loading
		60%	31231 642 4100	Excavating, bulk bank measure, 1 add
Borrow, hauling	c.y.	\$3.56	31232 320 1018	Cycle hauling(wait, load, travel, un time per cycle, excavated or borrow min load/wait/unload, 12 CY truck no loading equipment
Backfill w/dozer	c.y.	\$2.43	31232 314 2240	Backfill, structural, clay, 80 H.P. dozer
Sheepsfoot Compaction	c.y.	\$1.02	31232 323 5620	Compaction, 3 passes, 6" lifts, rigid wobbly wheel roller
Replace Previously Removed Protective Cover				
Place Cover Soil with Scraper	c.y.	\$4.73	31231 650 2500	Excavation, bulk, scrapers, bank haul, 21 C.Y. bucket, self propelled dozer
Supplement Protective Cover with Material Currently Stockpiled on Site⁵				
Place Cover Soil with Scraper	c.y.	\$4.73	31231 650 2500	Excavation, bulk, scrapers, bank haul, 21 C.Y. bucket, self propelled dozer
Supplement Protective Cover with Material from Nearby Sources^{2,5}				
Borrow, excavate w/backhoe	c.y.	\$2.30	31231 642 0300	Excavating, bulk bank measure, 1 C.Y./hour, backhoe, hydraulic, crane truck loading
		60%	31231 642 4100	Excavating, bulk bank measure, 1 add

**7 LANDFILL
EL B FINAL COVER**

ANS COST CODE	AREA³ (ACRES)	AREA (FT²)	THICKNESS^{4,5} (FT)	VOLUME (FT³)	VOLUME (YD³)	NO. OF UNITS	COSTS
	NA	NA	NA	NA	NA	1	\$15,000
subtotal:							\$15,000
ure, clay, 1500' apers, 1/4 push	47.76	2,080,426	1.224	2,546,441	94,313	94,313	\$446,099
subtotal:							\$446,099
. capacity = 160 mounted, excluding	47.76	2,080,426	1.257	2,615,095	96,855	96,855	\$222,767
avy soil or stiff clay,							\$133,660
or dump & return) ose cubic yards, 15 e 2 miles, 15 MPH,	47.76	2,080,426	1.257	2,615,095	96,855	96,855	\$344,805
150' haul	47.76	2,080,426	1.257	2,615,095	96,855	96,855	\$235,359
sheepsfoot or	47.76	2,080,426	1.257	2,615,095	96,855	96,855	\$98,792
subtotal:							\$1,035,384
ure, clay, 1500' apers, 1/4 push	47.76	2,080,426	1.224	2,546,441	94,313	94,313	\$446,099
subtotal:							\$446,099
ure, clay, 1500' apers, 1/4 push	47.76	2,080,426	NA	48,239	1,787	1,787	\$8,451
subtotal:							\$8,451
. capacity = 160 mounted, excluding	47.76	2,080,426	1.775	3,693,049	136,780	136,780	\$314,593
avy soil or stiff clay,							\$188,756



MORRIS COMMU COST ESTIMATE FOR P				
WORK ACTIVITY	UNITS	UNIT COSTS	2009 MEANS COST CODE	DESCRIPTION OF UNIT COST
Borrow, hauling	c.y.	\$3.56	31232 320 1018	Cycle hauling(wait, load,travel, un time per cycle, excavated or borro min load/wait/unload, 12 CY truck no loading equipment
Backfill w/dozer	c.y.	\$2.43	31232 314 2240	Backfill, structural, clay, 80 H.P. d
Fine Grading	s.y.	\$0.68	312216100100	Fine grading, for roadway, base o area, 6,000 S.Y. or more
Vegetation				
Seed and Mulch	1k - s.f.	\$51.50	32921 914 4600	Seeding athletic fields, seeding sl fertilizer, 6 lb. per M.S.F., hydro o

Notes:

1. "Shaw Estimate" taken from Congress Development Company Landfill 2009 project costs.
2. "Nearby Sources" assumes soils will be obtained from adjacent property(s).
3. Area requiring final cover was obtained from "Landfill Cover Characterization and Verification of Thickness Report" dated November 2007.
4. Thickness of final cover material was obtained from "Landfill Cover Characterization and Verification of Thickness Report" dated November 2007.
5. Assume 3-feet of protective soil cover and 3-feet of compacted clay layer

**LANDFILL
EL B FINAL COVER**

ANS COST CODE	AREA³ (ACRES)	AREA (FT²)	THICKNESS^{4,5} (FT)	VOLUME (FT³)	VOLUME (YD³)	NO. OF UNITS	COSTS
or dump & return) ose cubic yards, 15 e 2 miles, 15 MPH,	47.76	2,080,426	1.775	3,693,049	136,780	136,780	\$486,935
150' haul	47.76	2,080,426	1.775	3,693,049	136,780	136,780	\$332,374
ling course, large	47.76	2,080,426	NA	NA	NA	231,158	\$157,188
subtotal:							\$1,479,846
ix with mulch and eeding	47.76	2,080,426	NA	NA	NA	2,080	\$107,142
subtotal:							\$107,142
TOTAL:							\$3,538,020



MORRIS COMMUNITY LANDFILL STORMWATER & FINAL COVER CERTIFICATION COSTS - Parcel B				
Item	Qty	Unit	Unit Cost	Amount
Earthwork req'd for Stormwater Features	Lump Sum	-	\$165,000	\$165,000
Final Cover Certification	Lump Sum	-	\$165,000	\$165,000
TOTAL:				\$330,000
Source:				
CDC Landfill 2009 Costs				

Morris Community Landfill - Parcel B							
Revised Cost Estimates for Post-Closure Care							
Total Area (acres)		47.76					
Description	Quantity	Unit	Unit Price	Annual Cost	Years	Total Cost	
Inspection							
Year 1-5	4	inspection	\$240.00	\$960.00	5	\$4,800	
Year 6-30	1	inspection	\$240.00	\$240.00	25	\$6,000	
Cover Maintenance							
Year 1-5 (0.5 %)	2,312	cy	\$2.96	\$6,843.52	5	\$34,218	
Year 6-30 (0.2%)	925	cy	\$2.96	\$2,738.00	25	\$68,450	
Vegetation Maintenance							
Year 1-5 (1.0 %)	0.48	acres	\$1,176.12	\$564.54	5	\$2,823	
Year 6-30 (0.5%)	0.24	acres	\$1,176.12	\$282.27	25	\$7,057	
Mowing	47.76	acres	\$30.00	\$1,432.80	30	\$42,984	
Miscellaneous Maintenance	1	lump-sum	\$1,000.00	\$1,000.00	30	\$30,000	
Subtotal for Inspections and Maintenance						\$196,331	
Groundwater Monitoring	# of wells	price per well					
Year 1-30 Collection and Reporting	10	4	events	\$60	\$2,400.00	30	\$72,000
Year 1-30 Lab Testing (Quarterly Analytical)	10	4	events	\$180	\$7,200.00	30	\$216,000
Year 1-30 Lab Testing (Annual Analytical)	10	1	events	\$1,313	\$13,130.00	30	\$393,900
Groundwater Monitoring Wells Abandonment	1	lump-sum	\$15,000	--	--	\$15,000	
Piezometer Water Level Measurements (2 Piezometers / Quaterly)	4	events	\$30	\$120.00	30	\$3,600	
Subtotal for Groundwater Monitoring						\$700,500	
Leachate Testing							
Year 1-30 Collection & Reporting (1st Qtr.)	4	sampling locations	\$60	\$240.00	30	\$7,200	
Year 1-30 Collection & Reporting (2nd Qtr.)	5	sampling locations	\$60	\$300.00	30	\$9,000	

Morris Community Landfill - Parcel B						
Revised Cost Estimates for Post-Closure Care						
Year 1-30 Collection & Reporting (3rd Qtr.)	4	sampling locations	\$60	\$240.00	30	\$7,200
Year 1-30 Collection & Reporting (4th Qtr.)	5	sampling locations	\$60	\$300.00	30	\$9,000
Year 1-30 Lab Testing (1st Qtr. Analytical)	1	event	\$3,016.00	\$3,016.00	30	\$90,480
Year 1-30 Lab Testing (2nd Qtr. Analytical)	1	event	\$3,289.60	\$3,289.60	30	\$98,688
Year 1-30 Lab Testing (3rd Qtr. Analytical)	1	event	\$3,016.00	\$3,016.00	30	\$90,480
Year 1-30 Lab Testing (4th Qtr. Analytical)	1	event	\$3,013.20	\$3,013.20	30	\$90,396
Leachate Treatment	727,648	gallons	\$0.00082	\$596.67	30	\$17,900
Leachate Operation & Maintenance	1	lump-sum	\$1,068.00	\$1,068.00	30	\$32,040
Leachate Management System Abandonment	1	lump-sum	\$2,000	--	--	\$2,000
Subtotal for Leachate Management and Monitoring Operations						\$454,384
Landfill Gas Monitoring (15 probes)						
Year 1-5 (Monthly)	12	events	\$240	\$2,880.00	5	\$14,400
Year 6-30 (Quarterly)	4	events	\$240	\$960.00	25	\$24,000
Landfill Gas Management System Abandonment	1	lump-sum	\$10,000	--	--	\$10,000
Landfill Gas Probes Abandonment	1	lump-sum	\$5,000	--	--	\$5,000
Subtotal for Landfill Gas Management and Monitoring Operations						\$53,400
Subtotal for Parcel B						\$1,404,615
Administration & Contingencies (3%)						\$42,138
Total for Parcel B						\$1,446,754

B

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

Plaintiff,

v.

COMMUNITY LANDFILL CO., an Illinois Corporation, and the CITY OF MORRIS, an Illinois Municipal Corporation,

Defendants.

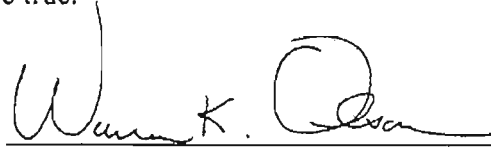
PCB 03-191
(Enforcement - Land)

AFFIDAVIT OF WARREN OLSON

I, Warren Olson, being first duly sworn on oath, do depose and state as follows:

1. I am a project manager for Chamlin & Associates, Inc., and have been employed in that capacity since 1985.
2. Chamlin & Associates, Inc., has been the city engineer for the City of Morris since approximately 1955.
3. I am primarily responsible for engineering liaison to the City of Morris, and I am familiar with the geography and appearance of the Morris Community Landfill and surrounding property, including the adjacent property commonly referred to as the "head-end" site. The head-end site is owned by the City of Morris, consists of approximately 5 acres, and formerly housed equipment for an area cable television service.
4. On June 8, 2009, I was asked by Mayor Kopczick to determine whether materials depicted in photographs attached to the Affidavit of Mark Retzlaff had been dumped within the landfill.
5. On June 8, 2009, the Mayor and I walked the property adjacent to the parcel A, known as the "head-end site."
6. I initiated the assistance of my field crew to survey the head-end site determine its boundary line, and on June 9, 2009 and June 10, 2009, Chamlin field crews worked at the site, locating and staking its corners.
7. The survey by Chamlin field crews revealed that the material depicted in the Retzlaff photographs was NOT located on parcel A, but was instead dumped on the head-end site, well outside the boundary of landfill.

8. I am aware that the City of Morris has initiated placement of a padlocked gateway to block the access road to prevent future unauthorized dumping, as well as erection of signage that warns would-be dumpers to keep out.
9. To my knowledge, there have been no further incidents of drive-by dumping since installation of the padlocked gateway and signage.
10. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Warren Olson

Dated: August 28th, 2009