

ILLINOIS POLLUTION CONTROL BOARD
May 16, 2013

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	
)	PCB 13-28
ATKINSON LANDFILL CO., an Illinois)	(Enforcement - Water)
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.D. O’Leary):

On December 17, 2012, the People of the State of Illinois (People) filed a four-count complaint against Atkinson Landfill Co. (ALC) concerning the disposal of leachate from ALC’s active municipal solid waste landfill. The landfill is located at 1378 Commercial Drive in Atkinson, Henry County. On December 20, 2012, the Board accepted the complaint for hearing. On January 28, 2013, ALC filed a motion to strike and dismiss the complaint.

On March 15, 2013, the People filed an agreed motion for leave to file a first amended complaint, attaching the first amended complaint. In an order of April 18, 2013, the Board granted the agreed motion for leave to file and accepted the first amended complaint for filing and hearing. Despite this ruling, the People, on April 22, 2013, filed the first amended complaint again. For the sake of clarity, the Board strikes that filing as unnecessary. In accordance with the agreed motion, the Board’s April 18, 2013 order also allowed ALC to file an answer to, or a motion to strike or dismiss, the first amended complaint on or before May 20, 2013.

On May 13, 2013, the parties filed another agreed motion, this time seeking to extend the May 20, 2013 deadline to June 7, 2013, for ALC to file an answer to, or a motion to strike or dismiss, the first amended complaint. The agreed motion further asks that the People be allowed until June 21, 2013, to respond to any ALC motion filed by June 7, 2013. The Board grants the agreed motion. Accordingly, ALC may file an answer to, or a motion to strike or dismiss, the first amended complaint on or before June 7, 2013, and the People may file a response to any such motion on or before June 21, 2013. Consistent with the Board’s April 18, 2013 order, ALC is permitted to file a document stating that ALC adopts all or part of its motion to strike and dismiss the original complaint as its motion to strike and dismiss the first amended complaint. Any further motion for extension of these deadlines may be directed to the hearing officer.

The Board reserves ruling upon ALC’s motion for joinder of the Village of Atkinson and the City of Galva, which was filed on January 28, 2013. The People filed a response in opposition on March 15, 2013.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 16, 2013, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board