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DEC 28 2005

STATE OF ILLINOIS  
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

December 22, 2005

PCB06-117

The Honorable Dorothy Gunn  
Illinois Pollution Control Board  
James R. Thompson Center, Ste. 11-500  
100 West Randolph  
Chicago, Illinois 60601

Re: ***People v. Saline County Landfill, Inc.***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a Notice of Filing, Entry of Appearance and Complaint in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

J. L. Homan  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

JLH/pp  
Enclosures

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DEC 28 2005

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF )  
ILLINOIS, )  
 )  
Complainant, )  
 )  
vs. )  
 )  
SALINE COUNTY LANDFILL, INC., )  
an Illinois corporation, )  
 )  
Respondent. )

PCB No. *06-117*  
(Enforcement)

**NOTICE OF FILING**

To: Saline County Landfill, Inc.  
c/o CT Corporation System  
208 South LaSalle Street  
Suite 814  
Chicago, IL 60604-1135

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, a copy of which is attached hereto and herewith served upon you. Failure to file an answer to this Complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in this Complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney.

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2004), to correct the pollution alleged in the Complaint filed in this case.

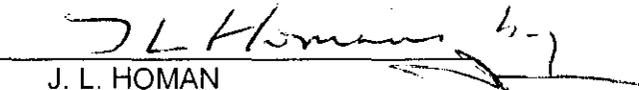
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:

  
J. L. HOMAN  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: December 22, 2005

## CERTIFICATE OF SERVICE

I hereby certify that I did on December 22, 2005, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE and COMPLAINT:

To: Saline County Landfill, Inc.  
c/o CT Corporation System  
208 South LaSalle Street  
Suite 814  
Chicago, IL 60604-1135

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

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J. L. Homan  
Assistant Attorney General

This filing is submitted on recycled paper.

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DEC 28 2005

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 SALINE COUNTY LANDFILL, INC., )  
 an Illinois corporation, )  
 )  
 Respondent. )

PCB No. 06-117  
(Enforcement)

ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, J. L. HOMAN, Assistant Attorney General of the State of Illinois, hereby enters her appearance as attorney of record.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: J. L. Homan  
J. L. HOMAN  
Environmental Bureau  
Assistant Attorney General



500 South Second Street  
Springfield, Illinois 62706  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

DEC 28 2005

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 -vs- )  
 )  
 SALINE COUNTY LANDFILL, INC., )  
 an Illinois corporation, )  
 )  
 Respondent. )

PCB No. 06-117  
(Enforcement)

**COMPLAINT**

The PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency, complains of the Respondent, Saline County Landfill, Incorporated, as follows:

**COUNT I**

**PERMIT VIOLATION**

1. This Count is brought on behalf of the People of the State of Illinois, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to Section 31 of the Illinois Environmental Protection Act ("the Act"), 415 ILCS 5/31 (2004).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2004), and charged *inter alia*, with the duty of enforcing the Act.

3. Saline County Landfill, Incorporated, is and was at all times relevant to this Complaint, an Illinois corporation in good standing. The registered agent for Saline County Landfill is CT Corporation System, 208 South LaSalle Street, Suite 814, Chicago, Illinois 60604-

1135. Saline County Landfill's president is Steve Meyer who may be reached at 14138 East Desert, Scottsdale, Arizona, 85259.

4. Respondent is and was at all times relevant to this Complaint the owner and operator of a landfill located at 5000 Whitesville Road, Harrisburg, Illinois 62946 (the "site"). This landfill is currently a thirty acre permitted solid waste landfill.

5. 415 ILCS 5/21(o)(5) (2004), provides as follows:

Prohibited acts. No person shall:

\* \* \*

(o) Conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section, in a manner which results in any of the following conditions:

\* \* \*

(5) uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, unless authorized by permit;

\* \* \*

6. 35 Ill. Admin. Code 811.106(a) provides as follows:

Daily Cover

a) A uniform layer of at least .015 meter (six inches) of clean soil material shall be placed on all exposed wastes by the end of each day of operation.

7. On June 25, 2003, a representative of the Illinois EPA conducted an inspection of the Saline County Landfill. While on site, the inspector went to the top of the filled area at the approximate center of the landfill. The inspector observed refuse protruding through the available cover in an area measuring approximately fifteen yards by forty yards.

8. On August 26, 2003, the Illinois EPA conducted another inspection of site to verify that the site had been brought back into compliance. The inspector proceeded to the top of the filled area to find waste protruding through the cover in the same general fifteen yard by

forty yard area previously observed, although the Defendant has represented that the waste in the landfill had been covered to a depth of one foot since the June 25, 2003 inspection.

9. By conducting operations at a permitted sanitary landfill in such a manner that uncovered refuse remained from any previous operating day or at the close of an operating day, the Respondent has violated Section 21(o)(5) of the Act, 415 ILCS 5/21(o)(5)(2004).

10. Because the Respondent did not provide a uniform layer of at least six inches of clean soil over all exposed waste on site by the end of each day of operation, the Respondent has violated 35 Ill. Adm. Code 811.106(a).

**PRAYER FOR RELIEF**

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Board grant the following relief:

A. Find that the Respondent has violated Section 21(o)(5) of the Act, 415 ILCS 5/21(o)(5)(2004), and 35 Ill. Adm. Code Section 811.106;

B. Order the Respondent to cease and desist from further violations of the Act and its regulations;

C. Assess against the Respondent a monetary penalty in accordance with the statutes;

D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2000), award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and

E. Grant such other and further relief as this Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
By LISA MADIGAN, Attorney General  
of the State of Illinois

MATTHEW J. DUNN, Chief

Environmental Enforcement Division/Asbestos  
Litigation Division

BY:   
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel  
J. L. Homan  
Assistant Attorney General  
Environmental Bureau/Springfield  
500 South Second Street  
Springfield, Illinois 62706  
Date: 12/21/05