

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 COMMUNITY LANDFILL COMPANY, INC.,)
 an Illinois corporation, and)
 the CITY OF MORRIS, an Illinois)
 municipal corporation,)
)
 Respondents.)

PCB No. 03-191
 (Enforcement-Land)

to: Mr. Mark La Rose
 La Rose & Bosco
 200 N. La Salle Street, #2810
 Chicago, Illinois 60601
 (312)642-0434

Mr. Bradley P. Halloran
 Hearing Officer
 Illinois Pollution Control Board
 100 W. Randolph, #2001
 Chicago, IL 60601

Mr. Charles Helsten
 Hinshaw & Culbertson
 100 Park Avenue
 Rockford IL 61105-1389
 (815)963-9989

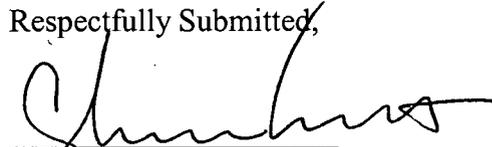
Mr. Scott Belt
 105 East Main Street
 Suite 206
 Morris, Illinois 60450

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, October 5, 2006, filed with the Office of the Clerk of the Illinois Pollution Control Board, by electronic filing, Complainant's Motion for Expedited Review, a copy of which is attached and herewith served upon you.

Respectfully Submitted,

BY:



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

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Complainant,)	
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vs.)	PCB No. 03-191
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the CITY OF MORRIS, an Illinois)	
municipal corporation,)	
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Respondents.)	

COMPLAINANT'S MOTION FOR EXPEDITED REVIEW

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, and hereby requests expedited review of its Interlocutory Appeal of Hearing Officer Order, and Motion for Interim Relief, which are filed with the Board this same date. In support thereof, Complainant states as follows:

1. Along with this Motion for Expedited Review, Complainant has filed an Interlocutory Appeal of the October 3, 2006, Hearing Officer Order, and a Motion for Interim Relief. In the Interlocutory Appeal, Complainant requests that the Board overrule Hearing Officer Bradley P. Halloran's decision to cancel the October 24-27, 2006 hearing. Complainant's Motion for Interim Relief requests alternative relief in the event the Board affirms cancellation of the October 24-27 hearing date. Specifically, Complainant requests that the Board order the Respondents to provide compliant financial assurance for closure/post-closure of the Morris Community Landfill, with all remaining issues to be decided at a future hearing.

2. On February 16, 2006, the Board issued an Order finding that the Respondents had violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2004), and 35 Ill. Adm. Code

Sections 811.700(f) and 811.712(b) (February 16, 2006 Order, slip. op, at 16) In its decision the Board stated that “[i]t is undisputed that neither Morris nor CLC have provided adequate financial assurance” (slip. op at 15). The Respondent’s Motions for Reconsideration were denied on June 1, 2006.

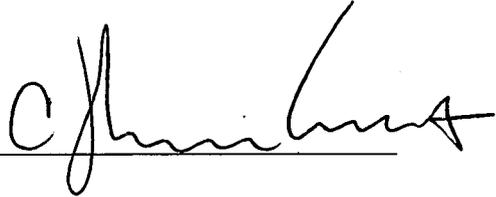
3. On September 28, 2006, Hearing Officer Bradley Halloran orally granted Respondent Community Landfill Company’s Motion to Cancel Hearing. The Written Decision was entered on October 3, 2006.

4. Complainant believes that the Board should apply expedited review to these Motions because of the serious nature of the violations, evidence that the violations continue, and the fact that no substitute hearing date has been established. If expedited review of Complainant’s motions is not granted, the October 24-27, 2006 hearing date will pass without the Board even having had the opportunity to review these motions, and the Interlocutory Appeal will fail regardless of its merits. Complainant believes that its Motion for Interim Relief should be reviewed along with the Interlocutory Appeal, since this Motion provides the Board with an alternative method of addressing issues created by the delay in hearing.

5. Without expedited review of its Appeal and Motion for Interim Relief, the ongoing violations may continue for an indeterminate period. Complainant will thereby be prejudiced.

WHEREFORE, Complainant requests the Board grant its Motion and provide expedited review to its Interlocutory Appeal of Hearing Officer Order, and Motion for Interim Relief.

RESPECTFULLY SUBMITTED,

BY: 

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

VERIFICATION

I, CHRISTOPHER J. GRANT, an Assistant Attorney General with the Illinois Attorney General's Office, Environmental Bureau North, being first duly sworn on oath, hereby attest and state that the facts cited in the attached Motion for Expedited Review are true and correct, to the best of my knowledge and true belief.


CHRISTOPHER J. GRANT.

SUBSCRIBED AND SWORN TO BEFORE
me this 4th DAY OF OCTOBER, 2006



NOTARY PUBLIC



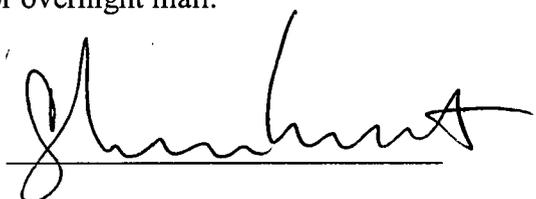
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CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 5th day of October, 2006, the foregoing Motion for Expedited Review, and Notice of Filing, upon the persons listed on said Notice by hand delivery and/or overnight mail.



CHRISTOPHER GRANT