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MAY 11 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

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 No. 03-191  
(Enforcement-Land)

**CITY'S MOTION FOR EXTENSION OF TIME IN WHICH TO FILE A  
RESPONSE TO THE STATE'S RENEWED MOTION TO SET HEARING  
DATE OR ALTERNATIVELY FOR SEVERANCE OF CLAIMS**

NOW COMES the CITY OF MORRIS, an Illinois Municipal Corporation, by and through its attorneys, HINSHAW & CULBERTSON LLP, and for its Motion for Extension of time in which to file a Response to the State's Renewed Motion to Set Hearing Date or Alternatively for Severance of Claims, states as follows:

1. On May 1, 2007, the State filed a Renewed Motion to Set Hearing Date or Alternatively for Severance of Claims. Under 35 Ill. Adm. Code 101.500(d), the City may file a Response to the motion within 14 days of service.

2. Upon receiving and reviewing the State's Motion, Attorney Charles F. Helsten, counsel for the City of Morris, attempted to contact Mr. Devin Moose, P.E., of Shaw Environmental, and learned that Mr. Moose was in Atlanta, Georgia on business and would not return to work until May 14, 2007. (See Affidavit of Charles F. Helsten, attached hereto as Exhibit A).

3. Attorney Helsten contacted Mr. Moose by telephone. In that conversation, Mr. Moose stated that he was prepared to submit an affidavit concerning present site conditions, and

moreover, that the Morris Community Landfill poses no imminent threat to human health or the environment. (*Id.*).

4. Inasmuch as Mr. Moose will not return to work until May 14, the City requests a brief extension of time in which to file its Response to the State's Renewed Motion which will be supported by the Affidavit of Mr. Devin Moose. The City accordingly requests that the time for filing its Response be enlarged to permit filing on or before May 18, 2007.

5. This request for an extension of time is not sought for purposes of delay or other improper reasons, and if granted will result in no prejudice to the parties or to the Board.

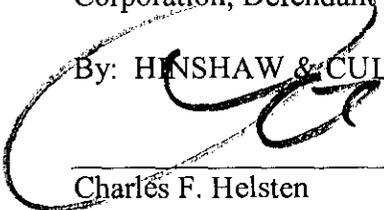
WHEREFORE, the City of Morris respectfully requests leave to file its Response to the State's Renewed Motion on or before May 18, 2007.

Dated: May 9, 2007

Respectfully submitted,

CITY OF MORRIS, an Illinois Municipal  
Corporation, Defendant

By: HINSHAW & CULBERTSON LLP



\_\_\_\_\_  
Charles F. Helsten  
One of Its Attorneys

Charles F. Helsten  
Hinshaw & Culbertson LLP  
100 Park Avenue  
P.O. Box 1389  
Rockford, IL 61105-1389  
Phone: 815-490-4900  
Fax: 815-490-4901

MAY 11 2007

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 COMMUNITY LANDFILL COMPANY, INC., )  
 an Illinois Corporation, and CITY OF MORRIS, )  
 an Illinois Municipal Corporation,, )  
 )  
 Respondents. )

PCB No. 03-191

**AFFIDAVIT**

I, Charles F. Helsten being duly sworn under oath do depose and state as follows:

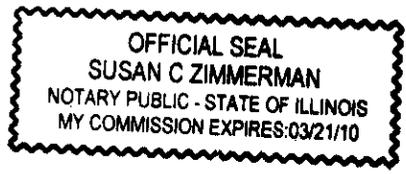
1. I am counsel of record for the Respondent, City of Morris in the above-mentioned matter.
2. Upon receiving the State's Renewed Motion to Set Hearing Date or Alternatively for Severance of Claims, I attempted to contact Mr. Devin Moose, P.E., of Shaw Environmental. I learned that Mr. Moose was in Atlanta, Georgia on business and would not return to work until May 14, 2007.
3. I spoke with Mr. Moose via telephone, and was told that Mr. Moose would submit an affidavit concerning present site conditions, and moreover, that the Morris Community Landfill poses no imminent threat to human health or the environment.
4. I intend to file a Response in opposition to the State's Renewed Motion to Set Hearing Date on behalf of the City of Morris, and intend to support the Response with an Affidavit from Mr. Moose. Due to the current unavailability of Mr. Moose, I require a brief extension of time beyond that provided at 35 Ill. Adm. Code 101.500 in order to prepare the Response and obtain the requisite Affidavit in support.

Further Affiant Sayeth Not.

  
\_\_\_\_\_  
CHARLES F. HELSTEN

SUBSCRIBED and SWORN to  
before me this 9<sup>th</sup> day of May, 2007.

Susan C. Zimmerman  
Notary Public



**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 May 9, 2007, she caused to be served a copy of the foregoing upon:

Mr. Christopher Grant Assistant Attorney General Environmental Bureau 100 W. Randolph St., 11th Fl. Chicago, IL 60601	Mark LaRose Clarissa Grayson LaRose & Bosco, Ltd. 200 N. LaSalle, Suite 2810 Chicago, IL 60601
Ms. Dorothy Gunn, Clerk Pollution Control Board 100 W. Randolph, Suite 11-500 Chicago, IL 60601	Bradley Halloran Hearing Officer Pollution Control Board 100 W. Randolph, Suite 11 Chicago, IL 60601
Mr. Scott Belt 105 East Main Street Suite 206 Morris, Illinois 60450	

A copy of the same was enclosed in an envelope in the United States mail at Rockford, Illinois, proper postage prepaid, before the hour of 5:00 p.m., addressed as above.



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