

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: Ms. Clarissa Grayson  
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)490-4901

Mr. Scott Belt  
105 East Main Street  
Suite 206  
Morris, Illinois 60450  
(815)941-4677

**NOTICE OF FILING**

PLEASE TAKE NOTICE that we have today, May 31, 2007, filed with the Office of the Clerk of the Illinois Pollution Control Board, by electronic filing, Complainant's Response to Community Landfill Company's Motion for Reconsideration, a copy of which is attached and herewith served upon you.

BY:

Respectfully Submitted,

  
CHRISTOPHER GRANT

Assistant Attorneys General

Environmental Bureau

188 W. Randolph St., 20<sup>th</sup> Flr.

Chicago, IL 60601

(312) 814-5388

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
vs.	)	PCB No. 03-191
	)	(Enforcement-Land)
COMMUNITY LANDFILL COMPANY, INC.,	)	
an Illinois corporation, and	)	
the CITY OF MORRIS, an Illinois	)	
municipal corporation,	)	
	)	
Respondents.	)	

**COMPLAINANT'S RESPONSE TO COMMUNITY LANDFILL COMPANY'S  
MOTION FOR RECONSIDERATION**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, and responds to Community Landfill Company's ("CLC's") Motion for Reconsideration, as follows:

**I. INTRODUCTION**

On May 17, 2007, the Board directed this matter to final hearing, stating that "...the Board will not grant any further extensions of time on this issue."<sup>1</sup> On May 18, 2007, CLC filed its Response ("Response") to the State's May 1, 2007 Motion, and, on May 29, 2007, its Motion for Reconsideration ("Motion"). Complainant respectfully requests that the Board affirm its ruling and reject any continued attempts by the Respondents to delay resolution of this matter.

**II. CLC PROVIDES NO BASIS FOR EITHER RECONSIDERATION OR FURTHER  
DELAY IN HEARING**

In its Motion, CLC (as does the City of Morris) claims that there is no "imminent threat

---

<sup>1</sup> slip op. at 3

to the environment”<sup>2</sup>. However, the present situation at the Morris Community Landfill clearly poses a threat. Presently:

- 1) No closure/post closure financial assurance has been provided by either Respondent, despite the Board’s February 16, 2006 Order finding them in violation;
- 2) Closure of Parcel B of the Landfill is more than 10 years overdue, yet neither Respondent has indicated any willingness to initiate closure;
- 3) As shown by the Exhibits attached to the State’s Response to Morris’ Motion to Reconsider, methane gas exceedances are being discovered at the Landfill;<sup>3</sup>
- 4) In the pending Grundy County Circuit Court matter, the City of Morris is denying any legal responsibility for the Landfill, or the Landfill Gas Collection and Control System, despite the explicit conditions of 35 Ill. Adm. Code, Section 220<sup>4</sup>.
- 5) The State continues to expend litigation resources to correct Landfill maintenance problems. Trial in the Grundy County Circuit Court matter is set for October 29-31, 2007. The State has alleged thirty violations related to improper landfill gas control.

The Respondents should have provided compliant closure/post closure financial

---

<sup>2</sup> Even if such were the case, the existence of an “imminent and substantial endangerment” is not a requirement for proceeding to final hearing in an enforcement case. A violation has been found, and justice requires that the violations be remedied.

<sup>3</sup>The surface methane testing was required of the Respondents pursuant to a December, 2006 Circuit Court order. Illinois EPA is not being supplied with many reports required under the Respondents’ Bureau of Land and Bureau of Air Permits. It is possible that additional problems have not been disclosed.

<sup>4</sup> The 220 regulations apply to “owners or operators of municipal solid waste landfills”. Morris is claiming that it is only the passive owner of land under the Landfill, not the ‘owner’ of the Landfill. An identical claim was rejected by the Board in its June 1, 2006 order affirming summary judgment.

assurance following the Board's 2006 determination of violation. Instead, they continue their attempts to delay the Board's Final Order. The deteriorating situation at the Landfill, as well as the continuing violations, require immediate attention. Hearing on the sole issue of remedy must be conducted at the earliest possible date.

WHEREFORE, Complainant respectfully requests that the Board:

- 1) Deny Community Landfill Company's Motion for Reconsideration;
- 2) Order the Hearing Officer to establish a date for hearing on the issue of remedy against the Respondents;
- 3) Provide such other relief as the Board deems appropriate and just.

RESPECTFULLY SUBMITTED,

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

BY: 

Christopher Grant  
Jennifer Tomas  
Assistant Attorneys General  
Illinois Attorney General's Office  
Environmental Bureau  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60601  
(312) 814-5388  
(312) 814-0609

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,

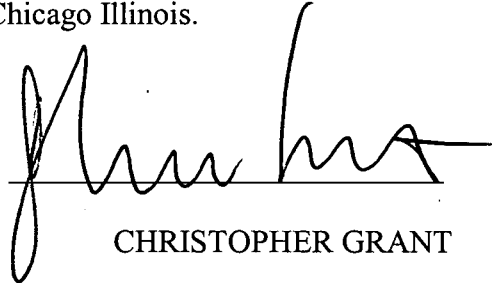
Respondents.

PCB No. 03-191

(Enforcement-Land)

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 31st day of May, 2007, the foregoing Response to Community Landfill Company's Motion for Reconsideration, and Notice of Filing, upon the persons listed on said Notice by facsimile transmission, and by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago Illinois.



CHRISTOPHER GRANT