

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )

Complainant, )

vs. )

PCB No. 03-191  
(Enforcement)

COMMUNITY LANDFILL COMPANY, )

INC., an Illinois corporation, and )

the CITY OF MORRIS, an Illinois )

municipal corporation, )

Respondents. )

**NOTICE OF FILING**


TO: Christopher Grant  
Environmental Bureau  
Assistant Attorney General  
69 West Washington  
18th Floor  
Chicago, Illinois 60608

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph  
Suite 11-500  
Chicago, Illinois 60601

Charles F. Helsten  
Hinshaw & Culbertson, LLP  
100 Park Avenue  
P.O. Box 1389  
Rockford, Illinois 61105-1389

Scott Belt  
Scott Belt and Associates, PC  
105 East Main Street  
Suite 206  
Morris, Illinois 60450

**PLEASE TAKE NOTICE** that on **September 6, 2007**, the undersigned caused to be filed electronically before The Illinois Pollution Control Board **RESPONDENT COMMUNITY LANDFILL CO., INC.'S REQUEST TO INCORPORATE MATERIALS FROM PRIOR PROCEEDING** with the Clerk of the Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, a copy of which is attached and hereby served upon you.



One of the Attorneys for Community Landfill Co.

Mark A. LaRose  
Clarissa C. Grayson  
LAROSE & BOSCO, LTD.  
200 North LaSalle Street, Suite 2810  
Chicago, Illinois 60610  
(312) 642-4414

**THIS FILING IS SUBMITTED ON RECYCLED PAPER.**

**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,                     )  
   )  
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**RESPONDENT COMMUNITY LANDFILL COMPANY INC.'S REQUEST TO  
INCORPORATE MATERIALS FROM PRIOR PROCEEDING**

Respondent COMMUNITY LANDFILL COMPANY, INC., by and through its attorney LAROSE & BOSCO, LTD., pursuant to 35 Ill. Adm. Code 101.306, hereby requests that the Hearing Officer, Bradley Halloran, incorporate by reference materials from the record of another Illinois Pollution Control Board proceeding, Community Landfill Co., Inc. and the City of Morris v. Illinois Environmental Protection Agency, PCB No. 01-170 (Enforcement) into the record of the present proceeding.

The materials from PCB No. 01-170 which Respondent COMMUNITY LANDFILL CO., INC. requests be incorporated are the following portions of the Transcript of Proceedings before Hearing Officer Bradley Halloran at the hearing held October 15-17, 2001 along with the corresponding exhibits, as follows:

- A.     Volume I – Day One of Hearing, October 15, 2001  
          Testimony of Joyce Munie (pp. 125-39, 150-68, and 220 -265)  
          Exhibits: 1 (pp. 1-2, 15-16 and 53), 32, 37, 81 and 73
  
- B.     Volume II – Day Two of Hearing, October 16, 2001  
          Testimony of Blake Harris (pp. 323-397)  
          Exhibits: 6, 7, 8, 9, 15, 16, 17, 50, 62, 70 and 82

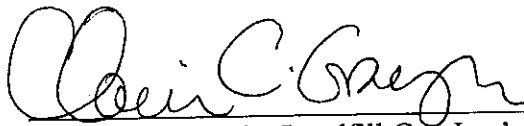
- C. Volume II – Day Two of Hearing, October 16, 2001  
Testimony of John Taylor  
Exhibits: 1 (p. 214), 3, 15, 16, 17, 64, 65, 66 and 70

The copies of the transcripts to be incorporated are authentic copies of the Illinois Pollution Control Board transcripts. The witnesses, all former employees of the Illinois Environmental Protection Agency, were all subject to cross-examination during their testimony. Furthermore, the material is relevant to the present proceeding since it involves the same issue of financial assurance and the same parties. Finally, incorporating this material into the record of the present proceeding will assist Hearing Officer Halloran (who was also the Hearing Officer in PCB 01-170) in following the Board's June 1, 2006 order which directs the hearing officer to:

“advise the parties that at hearing, each party should: (1) discuss whether to impose a remedy, if any, including a civil penalty, for the violations and support its position with facts and arguments that address any or all of the Section 33(c) factors; and (2) propose a civil penalty, if any, including a specific dollar amount, and support its position with facts and arguments that address any or all of the Section 42(h) factors.”

Based on the foregoing, Respondent COMMUNITY LANDFILL CO., INC. respectfully request that Hearing Officer Bradley Halloran incorporate by reference the above described materials from the record of Illinois Pollution Control Board proceeding, Community Landfill Co., Inc. and the City of Morris v. Illinois Environmental Protection Agency, PCB No. 01-170 (Enforcement) into the record of the present proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Devin C. Greyn", is written over a horizontal line.

One of Community Landfill Co., Inc.'s Attorneys

Mark A. LaRose  
Clarissa C. Grayson  
LaRose & Bosco, Ltd.  
200 North LaSalle Street, #2810  
Chicago IL 60601  
(312) 642-4414

**CERTIFICATE OF SERVICE**

I, Clarissa C. Grayson, an attorney hereby certify that I caused to be served a copy of the foregoing **RESPONDENT COMMUNITY LANDFILL CO., INC.'S REQUEST TO INCORPORATE MATERIALS FROM PRIOR PROCEEDING** by hand delivery, or by FedEx as designated below, this 6th day of September 2007, addressed as follows, in the delivery methods as set forth below:

**By Hand Delivery**

Christopher Grant  
Environmental Bureau  
Assistant Attorney General  
69 West Washington  
18th Floor  
Chicago, Illinois 60608

**By Hand Delivery**

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
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