

BEFORE THE 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.)	

**RESPONDENT COMMUNITY LANDFILL COMPANY INC.'S SUPPLEMENTAL
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 material 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 material from PCB No. 01-170 which Respondent COMMUNITY LANDFILL CO., INC. requests be incorporated is the following portion of the Transcript of Proceedings before Hearing Officer Bradley Halloran at the hearing held October 15-17, 2001 along with the corresponding exhibit, as follows:

- A. Volume II – Day Two of Hearing, October 16, 2001
Testimony of R. Michael McDermont (pp. 685)

The copy of the transcript to be incorporated is an authentic copy of the Illinois Pollution Control Board transcript. The witness, a consultant for Community Landfill Company, was subject

to cross-examination during his 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,



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

Mark A. LaRose
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1 a threat to the environment.

2 And she states further that "the gas
3 perimeter probe expands neither the operation nor
4 operational life of the facility." Obviously, the
5 operational life of the facility was already approved by
6 the August 2000 permits and seems to not be relative to
7 this Permit Application 2000-438.

8 Q. Unless they just wanted to shut us down;
9 right?

10 MR. KIM: Objection, leading question.

11 BY MR. LaROSE:

12 Q. What relevance could it possibly have?

13 A. Not being able to accept waste in new
14 areas would certainly eventually shut the facility down.

15 Q. If you were to compare the environmental
16 benefits of the gas probes to the environmental benefits
17 of the separation layer even including the placement of
18 waste on top of it, how would you do that?

19 A. I would term the gas perimeter probes as a
20 passive device only there to monitor potential buildup
21 of landfill gas escaping from the landfill.

22 The separation layer and the
23 perimeter leachate collection system I would term as
24 active mitigation agents to prevent threats to the

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CERTIFICATE OF SERVICE

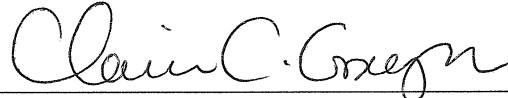
I, Clarissa C. Grayson, an attorney hereby certify that I caused to be served a copy of the foregoing **RESPONDENT COMMUNITY LANDFILL CO., INC.'S SUPPLEMENTAL REQUEST TO INCORPORATE MATERIALS FROM PRIOR PROCEEDING** by electronically filing and by fax, this 10th day of September 2007, addressed as follows, in the delivery methods as set forth below:

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
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100 Park Avenue
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NOTICE OF FILING

TO: Christopher Grant	Bradley Halloran
Environmental Bureau	Hearing Officer
Assistant Attorney General	Illinois Pollution Control Board
69 West Washington	100 West Randolph
18th Floor	Suite 11-500
Chicago, Illinois 60608	Chicago, Illinois 60601
Charles F. Helsten	Scott Belt
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100 Park Avenue	105 East Main Street
P.O. Box 1389	Suite 206
Rockford, Illinois 61105-1389	Morris, Illinois 60450

PLEASE TAKE NOTICE that on **September 10, 2007**, the undersigned caused to be filed electronically before The Illinois Pollution Control Board **RESPONDENT COMMUNITY LANDFILL CO., INC. SUPPLEMENTAL 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.

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THIS FILING IS SUBMITTED ON RECYCLED PAPER.