

ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

COMMUNITY LANDFILL COMPANY, INC.,  
and CITY OF MORRIS, an Illinois Municipal  
Corporation,,

Respondents.

PCB 03-191  
(Enforcement – Land)

**AFFIDAVIT**

I, Mayor Richard Kopczick, the undersigned being first duly sworn on oath depose and state as follows:

1. I am the Mayor of the City of Morris, and have been the Mayor since May 1, 2001.

2. Prior to being elected Mayor, I served as an Alderman for the City of Morris, beginning May 1, 1995.

3. In July 1982, the City transferred the operation and development permit for the waste facility to CLC, and since that time the City has had no ownership in the waste facility, and has had no authority to operate or control the facility. See attached Exhibit A.

4. To the extent that any prior Mayor or other agent of the City signed any permits regarding the waste facility subsequent to the 1982 transfer, the Mayor or agent was authorized only to designate the City as the owner of the land underneath the waste facility and was not authorized to designate the City as owner of the waste operation.

5. At no time relevant to these proceedings has the City of Morris spread or compacted waste at the Morris Community Landfill, operated equipment at the landfill, placed cover on the landfill, constructed or developed the landfill, set consumer rates for the landfill, paid bills of the landfill, or in any way participated in the day-to-day operations at the landfill.

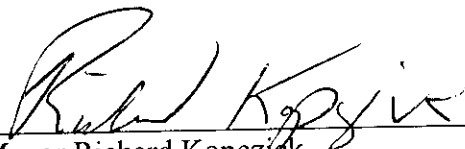
6. In 1999, when the City Council passed Resolution No. R-99-6, the City was agreeing only to allow CLC to send its leachate to the public municipal wastewater treatment plant for 100 years; the City had been told by the Applicant that this leachate treatment had a value of approximately \$10 million. It is this valuation of the 100 years of leachate treatment which is reflected in the Resolution.

7. The Council's passage of Resolution No. R-99-6 was not intended to obligate the City in any way to posting of closure/post-closure financial assistance.

Affiant further sayeth nought.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

DATED: 10-8-07

  
\_\_\_\_\_  
Mayor Richard Kopczick

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