

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 03-191
(Enforcement – Land)

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on June 16, 2009, we electronically filed with the Clerk of the Illinois Pollution Control Board, Supplemental Motion to Strike Complainant's "Request" for a Final Order, a copy of which is attached hereto and hereby served upon you.

Dated: June 16, 2009

Respectfully submitted,

On behalf of the CITY OF MORRIS

/s/

Charles F. Helsten
One of Its Attorneys

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

COMMUNITY LANDFILL COMPANY, INC.,
an Illinois Corporation, and the CITY OF
MORRIS, an Illinois municipal corporation,

Respondents.

PCB No. 03-191

SUPPLEMENTAL MOTION TO STRIKE COMPLAINANT'S
"REQUEST" FOR A FINAL ORDER

NOW COMES the Respondent, CITY OF MORRIS, by and through its attorneys, HINSHAW & CULBERTSON LLP, and brings this Supplemental Motion to Strike Complainant's "Request for a Final Order" as made without legal authority, and in support thereof states as follows:

1) On June 3, 2009, Complainant filed a "Request for a Final Order" seeking to expedite this Board's final decision in the above-referenced case.

2) This Board's procedural rules state that it "may entertain any motion the parties wish to file that is permissible under the [Environmental Protection] Act or other applicable law, these rules, or the Illinois Code of Civil Procedure." 35 Ill.Adm. Code § 101.500(a). (Emphasis added).

3) There is no provision in the Act, Board rules, Illinois Code of Civil Procedure, or other applicable law for a "Request for Final Order." Tellingly, Complainant did not label its pleading a "motion."

4) It is for this Board to decide when it will rule on particular matters, not the parties before the Board.

5) Complainant cites no authority for its "Request," and, as such, Respondent CITY OF MORRIS moves that the "Request" be stricken as having no legal basis.

6) Additionally, the State is attempting to introduce additional evidence in this matter, which is not subject to cross-examination, after the close of proofs in an inappropriate and arguably unethical effort to influence the Board's decision on this matter. The Board should not condone this type of misconduct.

7) Should this Board determine it does have the authority to entertain Complainant's "Request for Final Order," Respondent CITY OF MORRIS requests the opportunity to respond to such pleading, inasmuch as Complainant's "Request" and exhibits attached thereto contain significant misrepresentations, and inaccuracies, and are pretextual in nature.

WHEREFORE, Respondent CITY OF MORRIS respectfully requests that this Board strike Complainant's "Request for Final Order", and for such other relief as is appropriate.

Dated: June 16, 2009

HINSHAW & CULBERTSON LLP

On behalf of Respondent CITY OF MORRIS

/s/ Charles F. Helsten

One of Its Attorneys

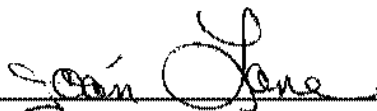
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AFFIDAVIT OF SERVICE

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 June 16, 2009, she caused to be served a copy of the foregoing upon:

Mr. Christopher Grant Assistant Attorney General Environmental Bureau 69 W. Washington St., Suite 1800 Chicago, IL 60602	Mark LaRose LaRose & Bosco, Ltd. 200 N. LaSalle, Suite 2810 Chicago, IL 60601
Mr. John T. Therriault, Assistant Clerk Illinois Pollution Control Board 100 W. Randolph, Suite 11-500 Chicago, IL 60601 (via electronic filing)	Bradley Halloran Hearing Officer Illinois Pollution Control Board 100 W. Randolph, Suite 11-500 Chicago, IL 60601
Mr. Scott Belt Scott M. Belt & Associates, P.C. 105 East Main Street Suite 206 Morris, IL 60450	Clarissa Y. Cutler Attorney at Law 155 N. Michigan Ave., Suite 375 Chicago, IL 60601

Via E-Mail.



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