

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
vs.)	PCB No. 11-50
)	
THE CITY OF MORRIS,)	(Enforcement – Land)
an Illinois municipal corporation,)	
)	
Respondent.)	

NOTICE OF FILING

Please take notice that on Friday, September 16, 2022, I filed a Stipulation and Proposal for Settlement, and Motion to Request Relief from Hearing Requirement in this matter, with the Clerk of the Illinois Pollution Control Board, copies of which are attached and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. KWAME RAOUL,
Attorney General of the
State of Illinois

/s Christopher Grant
CHRISTOPHER GRANT
Senior Assistant Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-5388
(312) 814-8567
Primary email: Christopher.Grant@ilag.gov
Secondary email: Maria.Cacaccio@ilag.gov

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that on this 16th of September, 2022, I caused the Parties' Stipulation and Proposal for Settlement, Motion to Waive the Requirement of a Hearing, and Notice of Filing to be served upon the person listed below by electronic mail.

/S Christopher Grant

SERVICE LIST:

Mr. Richard Porter
Mr. Charles Helsten
Hinshaw Culbertson
100 Park Avenue
Rockford IL 61105
rporter@hinshawlaw.com
chelsten@hinshawlaw.com

Mr. Christopher M. Dearth
Law Offices of Christopher M. Dearth P.C.
105 E. Main Street
Morris IL 60450
Christopher.dearth@comcast.net

Mr. Don Brown
Clerk of the Illinois Pollution Control Board
(by electronic filing)

Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
By electronic mail:
Brad.Halloran@illinois.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
vs.)	PCB No. 11-50
)	
THE CITY OF MORRIS,)	(Enforcement – Land)
an Illinois municipal corporation,)	
)	
Respondent.)	

MOTION TO REQUEST RELIEF FROM HEARING REQUIREMENT

Now comes Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, the Complainant states as follows:

1. Along with this Motion, Complainant is filing a Stipulation and Proposal for Settlement executed between Complainant and Respondent, the City of Morris.
2. Section 31 of the Act, 415 ILCS 5/31 (2020), provides, in pertinent part, as follows:

* * *

(c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance

with the provisions of subdivision (1).

* * *

3. No hearing is now scheduled in this matter.
4. The Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2) (2020).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
By KWAME RAOUL,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

STEPHEN SYLVESTER, Chief
Environmental Bureau North

BY: /S Christopher Grant
CHRISTOPHER GRANT
KEVIN GARSTKA
Assistant Attorneys General
Environmental Bureau
69 W. Washington St., #1800
Chicago, Illinois 60602
(312) 814-5388
Christopher.grant@ilag.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
vs.)	PCB No. 11-50
)	
THE CITY OF MORRIS,)	(Enforcement – Land)
an Illinois municipal corporation,)	
)	
Respondent.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and THE CITY OF MORRIS (“Respondent” or “Morris”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2020), and the Board’s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. On September 9, 2021, a First Amended Complaint was filed on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his

own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020).

3. At all times relevant to the Complaint, Respondent was and is an Illinois municipal corporation, duly organized and existing under the laws of the State of Illinois.

4. Morris is the owner and operator of the Morris Community Landfill (“Landfill”), an Illinois EPA-permitted municipal solid waste landfill located at 1501 Ashley Road, Morris, Grundy County, Illinois. Morris is also the owner of land on which the Landfill is located.

5. The Landfill is approximately 119 acres in area and is divided into two separately permitted municipal solid waste units: ‘Parcel A’, consisting of approximately 55 acres, accepted municipal solid waste (“MSW”) until at least June 16, 2010; and, ‘Parcel B’, consisting of approximately 64 acres, accepted MSW until 1998.

6. Morris commenced waste disposal operations at the Landfill in 1970. From 1970 until at least 1982, Morris disposed of MSW, consisting of garbage and other putrescible waste, household waste, commercial solid waste, and other discarded material, within the Landfill.

7. In 1982, Morris entered into a lease agreement with Community Landfill Company (“CLC”), a now-dissolved Illinois corporation. Pursuant to the lease agreement, Morris retained ownership of the Landfill, and CLC took over operation of the Landfill.

8. On July 20, 1982, CLC became the permitted ‘operator’ of the Landfill through Illinois EPA’s issuance of Permit No. 1974-022-OP. However, Morris remained the “owner” of the Landfill, and continued to apply for and obtain Illinois EPA Permits for the Landfill as “owner” of the Landfill.

9. On August 4, 2000, on application by Respondent, as owner, and CLC, as operator, Illinois EPA issued Permit No. 2000-155-LFM to Respondent and CLC for development and operation of Parcel A of the Landfill.

10. Also on August 4, 2000, on application by Respondent, as owner, and CLC, as operator, Illinois EPA issued Permit No. 2000-156-LFM to Respondent and CLC for development and closure of Parcel B of the Landfill.

11. On May 14, 2010, CLC was involuntarily dissolved by the Illinois Secretary of State. On or about July 1, 2010, the lease agreement between Morris and CLC terminated and CLC no longer operated or maintained the Landfill. From July 1, 2010 to the date of filing this Stipulation, no other person or entity has been operating and maintaining the Landfill.

12. As of the date of filing this Stipulation, neither Parcel A nor Parcel B have been closed in accordance with the Act and Board regulations.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

- COUNT I: FAILURE TO COMPLETE CLOSURE OF PARCEL B, in violation of 415 ILCS 5/21(d)(2), (e) (2020), and 35 Ill. Adm. Code Section 811.110(f);
- COUNT II: FAILURE TO INITIATE AND COMPLETE CLOSURE OF PARCEL A, in violation of 415 ILCS 5/21(d)(2), (e) (2020), and 35 Ill. Adm. Code Sections 811.110(e) and 811.110(f);
- COUNT III: FAILURE TO INSTALL FINAL COVER, in violation of 415 ILCS 5/21(e), (o)(6) (2020), and 35 Ill. Adm. Code Section 811.314;
- COUNT IV: FAILURE TO PERFORM GROUNDWATER TESTING ON PARCEL A, in violation of 415 ILCS 5/21(d)(1) (2020), and Conditions VIII.10, VIII.12, and VIII.17 of Permit No. 2000-155-LFM Modification No. 9;
- COUNT V: FAILURE TO PERFORM GROUNDWATER MONITORING ASSESSMENT ON PARCEL A MONITORING WELLS, in violation of 415 ILCS 5/21(d)(1)

(2020), and Condition VIII.27 of Permit No. 2000-155-LFM Modification No. 9;

COUNT VI: FAILURE TO PERFORM GROUNDWATER TESTING ON PARCEL B, in violation of 415 ILCS 5/21(d)(1) (2020), and Conditions VII.10, VII.12, and VII.17 of Permit No. 2000-156-LFM Modification No. 9;

COUNT VII: FAILURE TO PERFORM GROUNDWATER MONITORING ASSESSMENT ON PARCEL B MONITORING WELLS, in violation of 415 ILCS 5/21(d)(1) (2020), and Condition VII.26 of Permit No. 2000-156-LFM Modification No. 9;

COUNT VIII: FAILURE TO PROVIDE FINANCIAL ASSURANCE, in violation of 415 ILCS 5/21.1 (2020) and 415 ILCS 5/21(e) (2020);

COUNT IX: VIOLATION OF BOARD WASTE DISPOSAL REGULATIONS: FAILURE TO UPDATE FINANCIAL ASSURANCE, in violation of 415 ILCS 5/21(d)(2) (2020), and 35 Ill. Adm. Code Sections 811.701, 811.705, and 811.706;

COUNT X: PERMIT VIOLATION: FAILURE TO PROVIDE UPDATED CLOSURE/ POST-CLOSURE COST ESTIMATES, in violation of 415 ILCS 5/21(d)(1), (e) (2020), Conditions X.5 and X.8 of Permit No. 2000-155-LFM, and Conditions IX.5 and IX.8 of Permit No. 2000-156-LFM;

COUNT XI: PERMIT VIOLATION: FAILURE TO MAINTAIN RECORDS, in violation of 415 ILCS 5/21(d)(1) (2020), Condition IV of Permit No. 2000-144-LFM, and Condition III of Permit No. 2000-156-LFM;

COUNT XII: FAILURE TO HAVE A CERTIFIED OPERATOR FOR THE LANDFILL, in violation of Section 1104 of the Operator Certification Law, 225 ILCS 230/1104 (2020); and

COUNT XIII: FAILURE TO HAVE A CHIEF OPERATOR FOR THE LANDFILL, in violation of 415 ILCS 5/21(d)(2) (2020), and 35 Ill. Adm. Code Sections 745.181(b) and 745.201.

C. Non-Admission of Violations

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

D. Compliance Activities to Date

1. Respondent intermittently performed groundwater sampling and monitoring for both Parcel A and Parcel B of the Landfill. Respondent conducted chemical analyses for both G1 (Groundwater-Quarterly) and G2 (Groundwater-Annual) lists of parameters in Permit No 2000-155-LFM Modification No. 9, and Permit No. 2000-156-LFM, Modification No. 9.

Respondent's groundwater sampling and monitoring events took place during the following quarters:

- a. 2005, 3rd and 4th quarters;
- b. 2006, 1st, 2nd, 3rd, and 4th quarters;
- c. 2007, 1st quarter;
- d. 2015, 1st quarter;
- e. 2016, 1st quarter;
- f. 2018, 3rd quarter; and
- g. 2022, 1st quarter (G1 list only)

2. Respondent performed leachate sampling and monitoring for both Parcel A and Parcel B during the 1st quarter of 2016 and 1st quarter of 2022. In 1st quarter 2016 Respondent performed chemical analyses for L1 (Leachate-Quarterly), L2 (Leachate-Annual), and L3 (Leachate-Annual TCLP Leachate Parameters) list of parameters and in 1st quarter 2022 chemical analyses were performed for L1 list of parameters.

3. Respondent performed perimeter landfill gas monitoring probe sampling for both Parcel A and Parcel B on a monthly basis from June 2005 until the date of this Stipulation, although the test results were not regularly submitted to Illinois EPA.

4. Respondent conducted Surface Emissions Monitoring (SEM) scans for Parcel B on at least a quarterly basis from May 2007 until the date of this Stipulation, although the test results were not regularly submitted to Illinois EPA.

5. Respondent conducted landfill gas extraction well monitoring for Parcel B on a monthly basis from March 2007 until the date of this Stipulation, although the test results were not regularly submitted to Illinois EPA.

6. Respondent converted from an active gas collection and control system (GCCS) with a landfill gas candlestick flare to a passive system in 2015, although such conversion was not performed in accordance with a modified Illinois EPA permit.

7. In 2016, Respondent performed laboratory testing on currently available soil stockpiles to be used for low permeability cover soil and vegetative cover soil within a final cover system.

8. Respondent has continued to acquire soils for final cover.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2020).

The Respondent shall notify each contractor to be retained to perform work required in

this Stipulation of each of the requirements of this Stipulation relevant to the activities to be performed by that contractor, including all relevant work schedules and reporting deadlines, and shall provide a copy of this Stipulation to each contractor already retained no later than thirty (30) calendar days after the date of entry of this Stipulation. In addition, the Respondent shall provide copies of all schedules for implementation of the provisions of this Stipulation to the prime vendor(s) supplying the control technology systems and other equipment required by this Stipulation.

No change in ownership, corporate status or operator of the facility shall in any way alter the responsibilities of the Respondent under this Stipulation. In the event that the Respondent proposes to sell or transfer any real property or operations subject to this Stipulation, the Respondent shall notify the Complainant thirty (30) calendar days prior to the conveyance of title, ownership or other interest, including a leasehold interest in the facility or a portion thereof. The Respondent shall make as a condition of any such sale or transfer, that the purchaser or successor provide to Respondent site access and all cooperation necessary for Respondent to perform to completion any compliance obligation(s) required by this Stipulation. The Respondent shall provide a copy of this Stipulation to any such successor in interest and the Respondent shall continue to be bound by and remain liable for performance of all obligations under this Stipulation. In appropriate circumstances, however, the Respondent and a proposed purchaser or operator of the facility may jointly request, and the Complainant, in its discretion, may consider modification of this Stipulation to obligate the proposed purchaser or operator to carry out future requirements of this Stipulation in place of, or in addition to, the Respondent. This provision does not relieve the Respondent from compliance with any regulatory requirement regarding notice and transfer of applicable facility permits.

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2020), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. The failure to timely close the landfill substantially increased the risk of the discharge of contaminants into the environment.
2. There is social and economic benefit to the facility.
3. Operation of the facility was and is suitable for the area in which it is located.
4. Closure of the Landfill when closure was due was both technically practicable and economically reasonable.
5. The Respondent has agreed to correct the violations and bring the Landfill into compliance with the Act and the Board regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2020), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project", which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Complainant alleges that the closure violations began in 2000 for Parcel B and in 2010 for Parcel A, and continue through the date of entry of this Stipulation. The alleged financial assurance violations began in 2012 and have continued through the date of entry of this Stipulation. Complainant alleges that the groundwater monitoring violations began no later than 2007.

2. The Respondent was not diligent in complying with statutory, permit or regulatory requirements.

3. Because Respondent has agreed to perform closure of the Landfill in accordance with a Permit, closure expenses were deferred but not avoided. The increase in costs from the time closure was originally due to the present is likely to recoup some or all of the economic benefit from deferred expenditures.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Fifteen Thousand Dollars (\$15,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. Respondent has no prior adjudications of violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

The Respondent shall pay a civil penalty in the sum of Fifteen Thousand Dollars (\$15,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Stipulated Penalties, Interest, and Default

1. If the Respondent fails to complete any activity or fails to comply with any response or reporting requirement by the date specified in this Stipulation, the Respondent shall provide notice to the Complainant of each failure to comply with this Stipulation and shall pay stipulated penalties in the amount of \$200.00 per day per violation for up to the first fifteen (15)

days of violation, \$250.00 per day per violation for the next fifteen (15) days of violation, and \$500.00 per day per violation thereafter until such time that compliance is achieved. The Complainant may make a demand for stipulated penalties upon the Respondent for its noncompliance with this Stipulation. However, failure by the Complainant to make this demand shall not relieve the Respondent of the obligation to pay stipulated penalties. All stipulated penalties shall be payable within thirty (30) calendar days of the date the Respondent knows or should have known of its noncompliance with any provision of this Stipulation.

2. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

3. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

4. The stipulated penalties shall be enforceable by the Complainant and shall be in addition to, and shall not preclude the use of, any other remedies or sanctions arising from the failure to comply with this Stipulation.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust

Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Kevin Garstka
Christopher Grant
Assistant Attorneys General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

D. Future Compliance

1. Commencing on the date the Board accepts this Stipulation and until Illinois EPA issues a new Landfill Permit covering leachate, groundwater, and landfill gas monitoring and reporting, Respondent shall perform leachate, groundwater, and landfill gas monitoring and reporting in accordance with the following conditions of its earlier-issued permits and the referenced Board regulations:

Parcel A Requirements

- a. Quarterly and annual leachate monitoring and reporting for Parcel A shall be performed in compliance with Condition VII of Permit No. 2000-155-LFM, Modification No. 9.
- b. Quarterly and annual groundwater monitoring and reporting for Parcel A shall be performed in compliance with Condition VIII of Permit No. 2000-155-LFM, Modification No. 9, provided that the list of parameter and frequency of testing contained in Condition VIII, List G1 and List G2, of

Permit No. 200-155-LFM, Modification No. 9, shall be updated to conform with the current version of 35 Ill. Adm. Code 811.319.

- c. Landfill gas management, monitoring, and reporting for Parcel A. shall be performed in accordance with Condition IX of Permit No. 2000-155-LFM, Modification No. 9.

Parcel B Requirements

- d. Quarterly and annual leachate monitoring and reporting for Parcel B shall be performed in compliance with Condition VI of Permit No. 2000-156-LFM, Modification No. 9.
- e. Quarterly and annual groundwater monitoring and reporting for Parcel B shall be performed in compliance with Condition VII of Permit No. 2000-156-LFM, Modification No. 9, provided that the list of parameters and frequency of testing contained in Condition VII, List G1 and List G2, of Permit No. 2000-156-LFM, Modification No. 9, shall be updated to conform with the current version of 35 Ill. Adm. Code 811.319.
- f. Landfill gas management, monitoring, and reporting for Parcel B shall be performed in compliance with Condition VIII of Permit No. 2000-156-LFM, Modification No. 9.

2. No later than September 1, 2023, Respondent shall submit to Illinois EPA permit applications as “owner” and “operator” of the Landfill, for the renewal of Permits No. 2000-155-LFM and 2000-156-LFM, respectively. In particular, the permit applications shall:

- a. provide for closure and post closure care of Parcel A and Parcel B of the Landfill and the closure and post-closure care plans shall be updated based on the evaluations of the landfill systems described herein;
- b. contain the information required in 35 Ill. Adm. Code 813.303 and include evaluations of the groundwater monitoring systems, leachate monitoring and management systems, gas monitoring and management systems and final cover systems;
- c. demonstrate compliance with the special conditions of the expired permits;

d. comply with the Act and Board Regulations, including but not limited to, 35 Ill. Adm. Code, Parts 811 and 812; and

e. in the event that Respondent proposes a different person or entity as “operator” of the Landfill, it shall submit an application to Illinois EPA to transfer operation of the Landfill.

Any deviations from landfill permit regulatory requirements for the permit applications, including but not limited to financial assurance requirements, final cover specification, leachate storage requirements, landfill gas collection and control systems, and the final elevation of Parcel B, shall be addressed through the standard permit review process of the Illinois EPA, Bureau of Land, or through the provisions for regulatory relief contained in Titles VII and IX of the Act, 415 ILCS 5/Title VII and Title IX.

3. Within 60 days of the date of the Board’s acceptance of this Stipulation, Respondent shall identify and submit to Illinois EPA, the name of a proposed new Chief Operator for the Landfill. The proposed Chief Operator must meet the qualifications of 35 Ill. Adm. Code 745.181 and shall submit his or her application to Illinois EPA in accordance with 35 Ill. Adm. Code 745.122.

4. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Respondent’s facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

5. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

6. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Respondent's payment of the \$15,000.00 penalty, its commitment to cease and desist as contained in Section III.D.6. Above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's First Amended Complaint filed on September 9, 2021. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of

the Act, 415 ILCS 5/3.315 (2020), or entity other than the Respondent.

F. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for penalty payments, shall be submitted as follows:

As to the Complainant

Kevin Garstka
Christopher Grant
Assistant Attorneys General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

James Kropid
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Kenneth E. Smith, P.E., Manager
Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

As to the Respondent

Richard S. Porter
Hinshaw & Culbertson
100 Park Avenue, P.O. Box 1389

Mr. Chris Brown
Mayor, City of Morris
700 N. Division Street
Morris, IL 60450

G. Enforcement and Modification of Stipulation

1. Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

2. The Parties to the Stipulation may, by mutual written consent, agree to extend any compliance dates or modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section V.F. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of the Parties to the Stipulation.

H. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it. This Stipulation may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.


PEOPLE OF THE STATE OF ILLINOIS

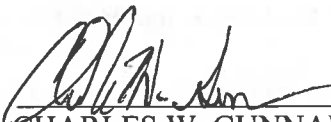
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

KWAME RAOUL
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: 
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

BY: 
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: 8/30/22

DATE: 8/30/22

RESPONDENT
CITY OF MORRIS

DATE: _____

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

KWAME RAOUL
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

JOHN J. KIM, Director
Illinois Environmental Protection Agency

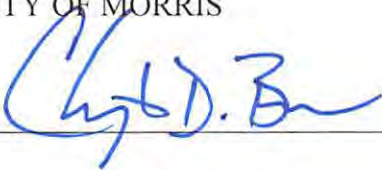
BY: _____
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

BY: _____
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: _____

DATE: _____

RESPONDENT
CITY OF MORRIS



DATE: 9/6/2022