



Count IV: Failure to Perform Groundwater Testing on Parcel A, in violation of Section 21(d)(1) of the Act (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 Section 21(d)(1) of the Act (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 Section 21(d)(1) of the Act (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 Section 21(d)(1) of the Act (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 Sections 21.1 and 21(e) of the Act (415 ILCS 5/21.1, 21(e) (2020));

Count IX: Violation of Board Waste Disposal Regulations: Failure to Update Financial Assurance, in violation of Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2020)), and Sections 811.701, 811.705, and 811.706 of the Board's Regulations (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 Section 21(d)(1) of the Act (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 Section 21(d)(1) of the Act (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 Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2020)), and Section 745.181(b) and 745.201 of the Board's Regulations (35 Ill. Adm. Code Sections 745.181(b) and 745.201).

On September 16, 2022, the People and Morris filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation,

proposed settlement, and request for relief. The newspaper notice was published in the *Morris Herald-News* on September 29, 2022. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Morris' operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2020)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Morris does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2020)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Morris agrees to pay a civil penalty of \$15,000 within 30 days after the date of this order. Morris also agrees to perform leachate, groundwater, and landfill gas monitoring and reporting in accordance with the conditions of its earlier-issued permits and Board regulations, as well as submit permit applications as "owner" and "operator" of the Landfill, for the renewal of Permits No. 2000-155-LFM and 2000-156-LFM, to the Illinois Environmental Protection Agency. The People and Morris have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Morris must pay a civil penalty of \$15,000 no later than December 5, 2022, which is the first business day following the 30th day after the date of this order. Morris must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.
3. Morris must submit payment of the civil penalty to:

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

Morris must send a copy of the certified check or money order and any transmittal letter to:

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

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2020)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2020)).
5. Morris must cease and desist future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

Member Van Wie abstained.

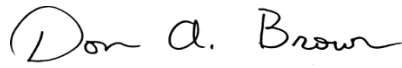
IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2020); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

<b>Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court</b>	
<b>Parties</b>	<b>Board</b>
Illinois Attorney General's Office Attn: Christopher Grant Kevin Garstka Assistant Attorneys General Environmental Bureau 69 W. Washington St., #1800 Chicago, Illinois 60602 (312) 814-5388	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 don.brown@illinois.gov

Christopher.grant@ilag.gov	
Hinshaw Culbertson Attn: Richard Porter Charles Helsten 100 Park Avenue Rockford, IL 61105 rporter@hinshawlaw.com chelsten@hinshawlaw.com  Law Offices of Christopher M. Dearth P.C. Christopher M. Dearth 105 E. Main Street Morris, IL 60450 Christopher.dearth@comcast.net	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on November 3, 2022, by a vote of 3-0.



Don A. Brown  
Don A. Brown, Clerk  
Illinois Pollution Control Board