

ILLINOIS POLLUTION CONTROL BOARD
September 22, 2022

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 11-50
)	(Enforcement - Air)
THE CITY OF MORRIS, an Illinois municipal)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. Gibson):

On February 18, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against the City of Morris (Morris), and Community Landfill Company (CLC). On March 3, 2011, the Board accepted the complaint for hearing. On August 28, 2020, the People filed a motion to amend the complaint, a 13-count amended complaint, and a motion to voluntarily dismiss CLC from this proceeding. On September 9, 2021, the Board granted the motion to amend the complaint, accepted the complaint, and granted the motion to dismiss CLC. The amended complaint concerns a special waste and municipal solid waste landfill owned by Morris located at 1501 Ashley Road, Morris, in Grundy County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2020); 35 Ill. Adm. Code 103.

In this case, the People allege that Morris:

Count I: Failure to Complete Closure of Parcel B, in violation of Sections 21(d)(2) and (e) of the Act (415 ILCS 5/21(d)(2), (e) (2020)), and Section 811.110(f) of the Board’s Regulations (35 Ill. Adm. Code Section 811.110(f));

Count II: Failure to Initiate and Complete Closure of Parcel A, in violation of Sections 21(d)(2) and (e) of the Act (415 ILCS 5/21(d)(2), (e) (2020)), and Sections 811.110(e) and 811.110(f) of the Board’s Regulations (35 Ill. Adm. Code Sections 811.110(e) and 811.110(f));

Count III: Failure to Install Final Cover, in violation of Sections 21(e) and (o)(6) of the Act (415 ILCS 5/21(e), (o)(6) (2020)), and Section 811.314 of the Board's Regulations (35 Ill. Adm. Code Section 811.314);

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)

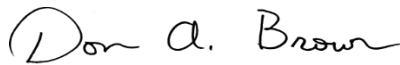
of the Act (415 ILCS 5/31(c)(1) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Morris does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$15,000. 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.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

Member Van Wie abstained.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 22, 2022, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board