

ILLINOIS POLLUTION CONTROL BOARD
October 5, 2007

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 03-191
)	(Enforcement – Land)
COMMUNITY LANDFILL COMPANY,)	
INC., and CITY OF MORRIS, an Illinois)	
municipal corporation,)	
)	
Respondents.)	

HEARING REPORT

On September 10, 11 and 12, 2007, a hearing was held in the above-captioned matter at the Grundy County Administrative Center, 1320 Union Street, Morris, Illinois. The hearing scheduled for September 10, 2007, was commenced but immediately continued on record without objection to the following day, September 11, 2007. Attorney Christopher J. Grant and Jennifer A. Tomas, Assistant Attorney Generals, and Michael S. Roubitchek, of the Illinois Environmental Protection Agency (Agency), appeared on behalf of the complainants. Attorney Clarissa Cutler Grayson, appeared on behalf of respondent Community Landfill Company Inc (CLC). Attorneys Richard S. Porter and Scott M. Belt appeared on behalf of respondent City of Morris (City).

Preliminary Matters

On September 6, 2007, CLC filed a request to incorporate materials from the proceeding in PCB 01-170, along with the corresponding exhibits. Specifically, the incorporated materials include a portion of the October 15, 2001, testimony of Joyce Munie and corresponding exhibits and a portion of the October 16, 2001, testimony of Blake Harris and corresponding exhibits. The request filed by CLC on September 6, 2007, was discussed at the hearing on September 11, 2007, and was granted without objection. It was marked as Hearing Officer Exhibit A. On September 10, 2007, CLC filed a supplemental request to incorporate materials from a prior proceeding. Specifically, the incorporated materials include a portion of the October 16, 2007, testimony of R. Michael McDermont. There is no corresponding exhibit. On October 4, 2007, a telephonic conference was held. The City represented that it had no objection to the request. The complainant represented that it does not object, but argues that the prior testimony is not relevant to the above-captioned matter. To that end, CLC's September 10, 2007, request to incorporate is granted.

Witness Credibility

Based upon my legal judgment, experience and observations at the hearing, I find that the credibility of the witnesses is not an issue in this matter.

Exhibits

A list itemizing the exhibits and their status is attached to this order.

Briefing Schedule

A post-hearing briefing schedule was discussed and agreed to at the hearing. n deadline to and including July 21, 2005. The complainant's brief is due to be filed on or before October 19, 2007. The respondents respective briefs are due to be filed on or before November 30, 2007. Complainant's reply, if any, is due to be filed on or before December 7, 2007. Public comment is due to be filed on or before October 9, 2007.

IT IS SO ORDERED.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

PCB 03-191

September 10, 11 and 12, 2007 Hearing**Exhibit List**

Exhibit	Description	Status
Hearing Officer Exhibit A	Incorporated testimony and corresponding exhibits from hearing in PCB 01-170	Taken with the case-Admitted
Hearing Officer Exhibit B	Public comment of John Swezy – read into record	Taken with case
Complainant's (Compl.) Group Exhibit A – (Exhibits 1 through 14)		Admitted
Compl. Exhibit 1	35 Ill. Adm. Code, 811.700	Admitted
Compl. Exhibit 2	February 16, 2006, PCB 03-191 Board order	Admitted
Compl. Exhibit 3	June 1, 2006, PCB 03-191 Board order	Admitted
Compl. Exhibit 4	December 6, 2001, PCB 01-170 Board order	Admitted
Compl. Exhibit 5	May 15, 2002, opinion in Community Landfill Company v. PCB, 331 Ill. App.3d 1056, 772 N.E.2d 231	Admitted
Compl. Exhibit 6	April 5, 2001, PCB 01-48 & 01-49 Board order	Admitted
Compl. Exhibit 7	Agency's 6-26-07 inspection report	Admitted
Compl. Exhibit 8	Agency's 8-29-07 inspection report	Admitted
Compl. Exhibit 9	Frontier Bonds, Nos. 91507; 158465; 158466	Admitted
Compl. Exhibit 10	November 14, 2000, violation notice (City)	Admitted
Compl. Exhibit 11	November 14, 2000, violation notice (CLC)	Admitted
Compl. Exhibit 12	Permits issued to Morris Community Landfill-Parcel A SigMod-Permit No. 2000-155 LFM, dated August 4, 2000; Parcel B SigMod- Permit No. 2000-156-LFM, dated August 4, 2000	Admitted
Compl. Exhibit 13	CLC's interrogatory responses and production requests; City's interrogatory responses and production requests	Admitted
Compl. Exhibit 14	Affidavits from Mayor Richard Kopczick	Admitted
CLC Exhibit 1	NONE	N/A

CLC Exhibit 2	CLC'S First supplemental response to complainant's first set of interrogatories and request for documents, dated September 28, 2004	Admitted
CLC Exhibit 3	Letter from Frontier to CLC, dated January 23, 2003	Admitted
CLC Exhibit 4	Letter from CLC to Frontier, dated March 20, 2003	Admitted
CLC Exhibit 5	Letter from Frontier to CLC, dated April 7, 2003	Admitted
CLC Exhibit 6	Letter from CLC to Frontier, dated April 16, 2003	Admitted
CLC Exhibit 7	Letter from Frontier to CLC, dated May 30, 2003	Admitted
CLC Exhibit 8	Letter from CLC to Frontier, dated June 19, 2003	Admitted
CLC Exhibit 9	Letter from Frontier to CLC, dated July 2, 2003	Admitted
CLC Exhibit 10	Facsimile from Frontier to CLC, dated November 5, 2003 (with copy of exhibit 11 attached)	Admitted
CLC Exhibit 11	Letter from Agency to Frontier, dated August 21, 2003	Admitted
CLC Exhibit 12	Letter from Agency to Frontier, dated January 27, 2004	Admitted
CLC Exhibit 13	Letter from Agency to Frontier, dated May 27, 2005	Admitted
CLC Exhibit 14	Letter from Agency to Frontier, dated May 26, 2006	Admitted
CLC Exhibit 15	Frontier Bond No. 91507	Admitted
CLC Exhibit 16	Frontier Bond No. 158465	Admitted
CLC Exhibit 17	Frontier Bond No. 158466	Admitted
CLC Exhibit 18	Letter from Emerald Insurance to CLC, dated April 15, 2003	Admitted
City Exhibit 1	Updated closure and post-closure costs for Parcel A, dated July 12, 2007	Admitted
City Exhibit 2	Updated closure and post-closure costs for Parcel B, dated July 12, 2007	Admitted
City Exhibits 3 (a), (b) & (c)	1982 Operating and Development Permit transfer documents	Admitted
City Exhibit 4	City of Morris Independent Auditor's Report, dated April 2006	Admitted
City Exhibit 5	City of Morris Independent Auditor's	Admitted

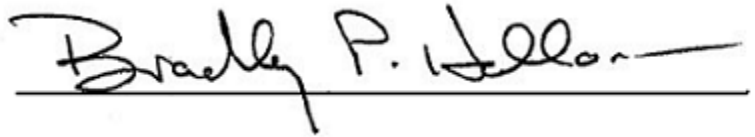
	Report, dated April 2005	
City Exhibit 6	Letter from the Agency to Frontier, dated January 27, 2004	Admitted
City Exhibit 7 (a), (b), (c), (d), (e) & (f)	Lease Agreement between City of Morris and CLC, dated 7-1-1982, and subsequent amendments/addenda.	Admitted
City Exhibit 8	SigMod Permit-Parcel A, dated August 5, 2002	Admitted
City Exhibit 9	SigMod Permit-Parcel B, dated August 5, 2002	Admitted
City Exhibit 10	Closure Plan, dated June 7, 2006	Admitted
City Exhibit 11	Resume of William Crawford, C.P.A.	Admitted
City Exhibit 12	Financial Assurance document, dated April 30, 2007	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on October 5, 2007, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on October 5, 2007:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

Bradley P. Halloran
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