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ILLINOIS POLLUTION CONTROL BOARD

February 23, 2001

STATE OF ILLINOIS
Pollution Control Board

COMMUNITY LANDFILL COMPANY and)
CITY OF MORRIS,)
)
Petitioners,)
)
v.) PCB 01-48
) PCB 01-49
ILLINOIS ENVIRONMENTAL) Permit Appeal - Land)
PROTECTION AGENCY,) (Consolidated)
)
Respondent.)

HEARING REPORT

On January 17, 18 and 19, 2001, a hearing in this matter was held at the James R. Thompson Center, 100 West Randolph Street, Chicago, Illinois. Attorney Mark A. LaRose appeared and participated on behalf of the petitioners. Attorney John J. Kim appeared and participated on behalf of the respondent.

Preliminary Matters

On January 10, 2001, petitioner filed a subpoena duces tecum. On January 16, 2001, respondent filed a motion to quash petitioner's subpoena duces tecum. At the hearing, further argument was entertained, and respondent's motion was granted. Also on January 16, 2001, respondent sent the hearing officer, via facsimile, a motion to suppress portions of the corrections to the deposition by petitioner's witness Van Silver. At the hearing, further discussion was entertained and, without objection, respondent's motion to suppress was granted. Finally, portions of Andrew Limmer's deposition testimony was transcribed into the record and can be found at pages 792-870 of the transcript. (Tr. at 792-870)¹

Witness Credibility

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

¹ References to the transcript in this matter will be identified as (Tr. at __)

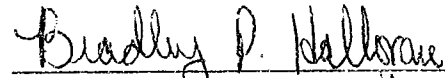
Exhibits

Both the petitioners and the respondent offered exhibits as evidence at the hearing. An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order.

Briefing Schedule and Public Comments

A briefing schedule was discussed and agreed to at the hearing. The petitioners and the respondent agreed to simultaneous filings. The opening briefs are due on or before February 21, 2001. The simultaneous reply briefs are due on or before February 28, 2001. Written public comment in this matter is due on or before February 14, 2001.

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

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, to each of the following on February 23, 2001:

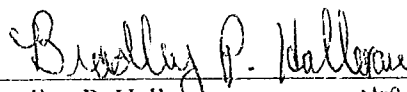
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P.O. Box 568
Morris, IL 60450

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on February 23, 2001:

Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601



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

Hearing of January 17-19, 2001

Exhibit List

Exhibit	Description	Status
Petitioner's Exhibit B	Copy of Joyce Munie's affidavit	Admitted
Petitioner's Exhibit C	Resume of Cristina Roque	Admitted
Petitioner's Exhibit D1	Streator Area Geology/EIS Report	Admitted
Petitioner's Exhibit D2	Streator Area Geology/Morris Area	Denied
Petitioner's Exhibit E	Resume of Gwenyth Thompson	Admitted
Petitioner's Exhibit F	Resume of Van A. Silver's	Admitted
Petitioner's Exhibit G	Resume of Michael McDemont	Admitted
Petitioner's Exhibit H	Resume of Joyce Munie	Admitted
Petitioner's Exhibit I	Resume of Marion C. Skouby	Admitted
Petitioner's Exhibit L	Subpoena Duces Tecum for Christine Roque	Admitted
Petitioner's Exhibit M	Permit Denial/Parcel A, dated September 1, 1999	Admitted
Petitioner's Exhibit N	Permit Denial/Parcel B, dated September 1, 1999	Admitted
Petitioner's Exhibit O	Reservation of Disposal Capacity Agreement, dated July 1, 1999	Admitted
Petitioner's Exhibit P	Permit Appeal/Parcel A, file stamped September 7, 2000	Admitted
Petitioner's Exhibit Q	Permit Appeal/Parcel B, file stamped September 7, 2000	Admitted
Petitioner's Exhibit R	Parcel A Permit, dated August 4, 2000	Admitted
Petitioner's Exhibit S	Parcel B Permit, dated August 4, 2000	Admitted
Petitioner's Exhibit T	Cover Letter of Permit Application/Parcel A, dated May 8, 2000	Admitted
Petitioner's Exhibit U	Cover Letter of Permit Application/Parcel B, dated May 8, 2000	Admitted
Petitioner's Exhibit V	Executive Summary/Parcel A	Admitted
Petitioner's Exhibit W	Executive Summary/Parcel B	Admitted
Petitioner's Exhibit X	Existing Condition Diagram/Parcel A (enlarged diagram also provided)	Admitted
Petitioner's Exhibit Y	Diagram of Site, encompasses both Parcel A and B(enlarged diagram also provided)	Admitted
Petitioner's Exhibit Z	Quadrangle Map of Site Area(enlarged map also provided)	Admitted
Petitioner's Exhibit AA	Parcel A Stability Report	Admitted
Petitioner's Exhibit CC	Table 1 from Stability Report	Admitted
Petitioner's Exhibit DD	Extrapolated Chart/Seismic Factor of Safety	Denied
Petitioner's Exhibit FF	Diagram of Water Table of Site	Admitted

Petitioner's Exhibit II	Diagram of Parcel A , East-West Section	Admitted
Petitioner's Exhibit JJ	City Council of the City of Morris Resolution No. R-99-6	Admitted
Petitioner's Exhibit KK	Addendum to the Lease Agreement, dated December 13, 1999	Admitted
Petitioner's Exhibit LL	Addendum to the Lease Agreement , dated July 20, 1999	Admitted
Petitioner's Exhibit MM	Letter dated April 30, 1999, to Brian Feeney, with 5 pages of attachments	Denied*
Petitioner's Exhibit NN	September 4, 1999 , Newspaper Article	Denied
Petitioner's Exhibit OO	Computer Printout of City of Morris Royalty	Admitted
Petitioner's Exhibit PP	Computer Printout of City of Morris Tax Receipts	Admitted
Petitioner's Exhibit RR	Copy of Section 811.309	Admitted
Petitioner's Exhibit SS	Copy of Initial Significant Modification to Permit A	Admitted
Petitioner's Exhibit TT	Letter to William Ingersoll, dated August 16, 1999	Admitted
Petitioner's Exhibit UU	Copy of Christine Roque's notes, dated August 17, 1999	Admitted
Petitioner's Exhibit VV	Letter dated February 1, 2000, regarding Resubmittal Correspondence	Admitted
Petitioner's Exhibit WW	Portion of Construction Plan for the Parcel A Application	Admitted
Petitioner's Exhibit XX	Portion of the Leachate Management Plan for the Parcel a Application	Admitted
Petitioner's Exhibit YY	Copy of Seminar Outline for Christine Roque	Admitted
Petitioner's Exhibit ZZ	Copy of Rochelle Landfill Permit, dated December 13, 2000	Admitted
Petitioner's Exhibit AAA	Three Photographs of Duquoin Sewage Treatment Plant	Admitted
Petitioner's Exhibit BBB	Diagram of Final Grading Plan of Parcel B(enlarged diagram also provided)	Admitted
Petitioner's Exhibit CCC	Diagram of Site Development Plan/Parcel A(enlarged diagram also provided)	Admitted
Petitioner's Exhibit DDD	Diagram of North to South Cross Section of Parcel A(enlarged diagram also provided)	Admitted
Petitioner's Exhibit EEE	Diagram of the Proposed Deep Well Groundwater Treatment System(enlarged diagram also provided)	Admitted
Petitioner's Exhibit GGG	Copy of City of Springfield's NPDES Permit, dated September 29, 1993	Admitted

Petitioner's Exhibit HHH	Copy of City of Springfield's Post-Closure Care Plan	Denied
Respondent's Exhibit FFF	Copy of Settler's Hill Recycling and Disposal Facility Permit, dated November 29, 2000	Admitted
Respondent's Exhibit III	Copy of Environmental Impact Statement for Streator Wastewater Facilities	Admitted

* Petitioner's Exhibit MM was denied, but the attachments were accepted