

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
DEWITT COUNTY, ILLINOIS  
CHANCERY DIVISION**

MAHOMET VALLEY WATER AUTHORITY, )  
CITY OF CHAMPAIGN, ILLINOIS, a municipal )  
corporation, DONALD R. GERARD, )  
CITY OF URBANA, ILLINOIS, a municipal corporation, )  
LAUREL LUNT PRUSSING, )  
CITY OF BLOOMINGTON, ILLINOIS, )  
a municipal corporation, COUNTY OF CHAMPAIGN, )  
ILLINOIS, COUNTY OF PIATT, ILLINOIS, )  
TOWN OF NORMAL, ILLINOIS, a municipal )  
corporation, VILLAGE OF SAVOY, ILLINOIS, )  
a municipal corporation, and CITY OF DECATUR, )  
ILLINOIS, a municipal corporation, CITY OF )  
MONTICELLO, ILLINOIS, a municipal corporation, )  
CITY OF TUSCOLA, ILLINOIS, a municipal corporation, )  
VILLAGE OF FORSYTH, ILLINOIS, a municipal )  
corporation, COUNTY OF McLEAN, ILLINOIS, )  
COUNTY OF MACON, ILLINOIS, and )  
DEBORAH FRANK-FEINEN, )

Plaintiffs, )

v. )

CLINTON LANDFILL, INC., an Illinois )  
corporation, )

Defendant. )

**FILED**  
DeWitt County, Illinois  
NOV 12 2015  
*Pamela A. Barnes*  
Clerk of the Circuit Court

No. 2015 CH 45

**COMPLAINT FOR INJUNCTIVE RELIEF**

NOW COME the Plaintiffs, MAHOMET VALLEY WATER AUTHORITY,  
CITY OF CHAMPAIGN, ILLINOIS, a municipal corporation, DONALD R. GERARD,  
CITY OF URBANA, ILLINOIS, a municipal corporation, LAUREL LUNT PRUSSING,  
CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation, COUNTY OF

CHAMPAIGN, ILLINOIS, COUNTY OF PIATT, ILLINOIS, TOWN OF NORMAL, ILLINOIS, a municipal corporation, VILLAGE OF SAVOY, ILLINOIS, a municipal corporation, CITY OF DECATUR, a municipal corporation, CITY OF MONTICELLO, ILLINOIS, a municipal corporation, CITY OF TUSCOLA, ILLINOIS, a municipal corporation, VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation, COUNTY OF McLEAN, ILLINOIS, COUNTY OF MACON, ILLINOIS, and DEBORAH FRANKFEINEN, (individually and collectively, the “Plaintiffs”), by and through their attorneys, Hasselberg Grebe Snodgrass Urban & Wentworth, and Albert Ettinger, and complain of the Defendant, CLINTON LANDFILL, INC., an Illinois corporation, as follows:

1. This action complains that the Defendant, Clinton Landfill, Inc., an Illinois corporation (CLI), sought and obtained approval from Illinois EPA to develop and operate a Chemical Waste Unit at Clinton Landfill No. 3, without first obtaining the required local siting approval for that unit from the DeWitt County Board, which deprived the Plaintiffs herein of their statutory right to be heard on the safety of this disposal activity.

2. CLI owns and operates a municipal solid waste and non-hazardous special solid waste landfill located at 9550 Heritage Road, Clinton, unincorporated DeWitt County, Illinois (“Clinton Landfill No. 3” or “Facility”) on land more particularly described on **Exhibit A**, attached hereto and incorporated herein.

3. The Mahomet Aquifer is a regional aquifer and single hydraulic unit in the Mackinaw Bedrock Valley and the Mahomet Bedrock Valley beneath fifteen (15) east-central Illinois counties, including Cass, Champaign, DeWitt (where Clinton Landfill No. 3 is located), Ford, Iroquois, Logan, Macon, Mason, McLean, Menard, Piatt, Sangamon, Tazewell, Vermillion, and Woodford, and is the principle groundwater resource in the

region supplying high-quality freshwater to municipalities, industries, homeowners, and farmers.

4. Plaintiffs are citizens and units of local government whose citizens use the Mahomet Aquifer as the source of potable, public drinking water supplies, and individual residents and Mayors (and a former Mayor) of two of those units of local government, including Donald R. Gerard, former Mayor of the City of Champaign, Deborah Frank-Feinen of the City of Champaign, and Laurel Lunt Prussing of the City of Urbana.

5. Plaintiff, the Mahomet Valley Water Authority (MVWA), is a water authority incorporated pursuant to the Water Authorities Act, 70 ILCS 3715/1 to 3715/27, with its principal office located in Monticello, Piatt County, Illinois, covering a contiguous territory including Piatt and DeWitt Counties, State of Illinois (District). Clinton Landfill No. 3 is located in the Mahomet Valley Water Authority District. The MVWA was incorporated to protect the public health, welfare and safety, and to prevent pollution of the water supplies within the District.

6. Plaintiff, the City of Champaign, Illinois, is a municipal corporation, in which the Illinois American Water Company, an Illinois Corporation, operates under contract with the City the sole public water supply for the residents of that municipality, sourced solely from the resource groundwater in the Mahomet Aquifer.

7. Plaintiff, Donald R. Gerard, is a resident of the City of Champaign, County of Champaign, Illinois, and is the former Mayor of the City of Champaign, Illinois, and uses and consumes drinking water provided by Illinois American Water Company, an Illinois Corporation, sourced solely from the resource groundwater in the Mahomet Aquifer.

8. Plaintiff, Deborah Frank-Feinen, is a resident of the City of Champaign, County of Champaign, Illinois, and is the current Mayor of the City of Champaign, Illinois, and uses and consumes drinking water provided by Illinois American Water Company, an Illinois Corporation, sourced solely from the resource groundwater in the Mahomet Aquifer.

9. Plaintiff, the City of Urbana, Illinois, is a municipal corporation in which the Illinois American Water Company, an Illinois Corporation, operates under contract with the City the sole public water supply for the residents of that municipality, sourced solely from the resource groundwater in the Mahomet Aquifer.

10. Plaintiff, Laurel Lunt Prussing, is a resident of the City of Urbana, Champaign County, Illinois, and is the Mayor of the City of Urbana, Illinois, and uses and consumes drinking water provided by Illinois American Water Company, an Illinois Corporation, sourced solely from the resource groundwater in the Mahomet Aquifer.

11. Plaintiff, the City of Bloomington, Illinois, is a municipal corporation located in McLean County, which operates a public water supply for the residents of that municipality that is sourced, during periods of shortages from its principle source of water, from the resource groundwater in the Mahomet Aquifer.

12. Plaintiff, the County of Champaign, Illinois, is a unit of local government whose territory includes numerous municipalities that have or operate public water supplies for their respective residents which are sourced solely or primarily from the resource groundwater in the Mahomet Aquifer, including but not limited to the Cities of Champaign and Urbana, and the Villages of Fisher, Gifford, Mahomet, Rantoul, Savoy and Philo.

13. Plaintiff, the County of Piatt, Illinois, is a unit of local government, whose territory includes numerous municipalities, including but not limited to the Cities and Villages of Monticello, Mansfield and Bement, that have or operate public water supplies for their respective residents whose sole or primary source is the resource groundwater of the Mahomet Aquifer.

14. Plaintiff, the Town of Normal, Illinois, is a municipal corporation, located in McLean County, Illinois, which operates a public water supply for the residents of the municipality sourced substantially from the resource groundwater in the Mahomet Aquifer.

15. Plaintiff, the Village of Savoy, Illinois, is a municipal corporation located in Champaign County, Illinois, in which the Illinois American Water Company, an Illinois corporation, operates under contract with the Village the public water supply for the residents of that municipality, sourced primarily from the resource groundwater in the Mahomet Aquifer.

16. Plaintiff, the City of Decatur, Illinois, is a municipal corporation located in Macon County, which operates a public water supply for the residents of that municipality that is sourced, during periods of shortages from its principle source of water, from the resource groundwater in the Mahomet Aquifer.

17. Plaintiff, the City of Monticello, Illinois, is a municipal corporation, located in Piatt County, Illinois, which operates a public water supply for the residents of the municipality sourced substantially from the resource groundwater in the Mahomet Aquifer.

18. Plaintiff, the City of Tuscola, Illinois, is a municipal corporation located in Douglas County, Illinois, in which the Illinois American Water Company, an Illinois corporation, operates under contract with the City the public water supply for the residents

of that municipality, sourced primarily from the resource groundwater in the Mahomet Aquifer.

19. Plaintiff, the Village of Forsyth, Illinois, is a municipal corporation, located in Macon County, Illinois, which operates a public water supply for the residents of the municipality sourced substantially from the resource groundwater in the Mahomet Aquifer.

20. Plaintiff, the County of McLean, Illinois, is a unit of local government, whose territory includes numerous municipalities, including but not limited to the Cities and Towns of Bloomington and Normal, that have or operate public water supplies for their respective residents whose sole or primary source is the resource groundwater of the Mahomet Aquifer.

21. Plaintiff, the County of Macon, Illinois, is a unit of local government, whose territory includes numerous municipalities, including but not limited to the Cities and Villages of Decatur and Forsyth, that have or operate public water supplies for their respective residents whose sole or primary source is the resource groundwater of the Mahomet Aquifer.

22. Plaintiffs' respective water supplies are vital to the public health and safety, and each Plaintiff local governmental unit has a public right to the Mahomet Aquifer as the source of potable, public drinking water supplies for their respective citizens.

23. Local governmental Plaintiffs exercise control of the supply of potable drinking water within their respective municipal boundaries and provide water service to its respective citizens and residents in the exercise of its police power pursuant to binding ordinances and contracts between the user and the municipality.

24. On July 11 and 15, 2002, the DeWitt County Board held public meetings to discuss CLI's proposal to expand its municipal solid waste and non-hazardous special waste landfill.

25. On September 12, 2002, the DeWitt County Board conditionally approved CLI's request for site approval of the proposed expansion based on CLI's siting application, notifications, hearings, public comment and the record.

26. On October 17, 2002, the DeWitt County Board certified its siting approval for Clinton Landfill No. 3, a municipal solid waste and non-hazardous special waste landfill.

27. On February 28, 2005, CLI submitted a permit application to the Illinois EPA to develop Clinton Landfill No. 3 as a new solid waste landfill which would accept municipal solid wastes and non-hazardous special wastes.

28. On March 2, 2007, the Illinois EPA issued Permit No. 2005-070-LF to CLI for the development of Clinton Landfill No. 3.

29. On October 19, 2007, CLI applied to the United States Environmental Protection Agency ("USEPA") for approval to dispose of waste containing polychlorinated biphenyls ("PCBs") that are required by the Toxic Substances Control Act ("TSCA") to be disposed of in a chemical waste landfill ("TSCA-PCBs") at Clinton Landfill No. 3.

30. On February 1, 2008, CLI filed a permit application with Illinois EPA to modify Permit No. 2005-070-LF and to allow CLI to develop a 22.5 acre chemical waste unit ("CWU") within the boundaries of Clinton Landfill No. 3.

31. In its February 1, 2008 permit application, CLI proposed to substantially change the nature and character of Clinton Landfill No. 3 from the design and operation

that the DeWitt County Board approved in 2002 during the local siting approval process. The proposed changes included, among other things: 1) disposal of TSCA-PCBs and any waste generated from the remediation of a Manufactured Gas Plant (“MGP”) site or facility that exceeds the regulatory levels for any contaminant in 35 Ill. Adm. Code 721.124(b) (“MGP Source Material”); and 2) adding liner components and a redundant leachate drainage and collection system to meet the Design and Operating Requirements for a hazardous waste landfill set forth in 35 Ill. Adm. Code Part 724.401.

32. As part of its February 1, 2008 permit application, CLI provided the following information regarding local siting approval:

Section 812.105 - Approval By Unit Of Local Government

The DeWitt County Board granted local siting approval for Clinton Landfill No. 3 on September 12, 2002. Documentation of the local siting approval was provided to the IEPA with the initial application to develop Clinton Landfill No. 3 (Log No. 2005-070). This application does not propose a new nor an expansion to the currently permitted Clinton Landfill No. 3 and, therefore, local siting approval is not required for this permit modification.

33. On September 30, 2008, the Illinois EPA issued the initial operating permit for Clinton Landfill No. 3, Permit No. 2005-070-LF.

34. On January 8, 2010, the Illinois EPA issued Permit Modification No. 9 (“Mod 9”) to CLI to allow it to develop and construct the CWU at Clinton Landfill No. 3 based, in part, on CLI’s representations that it had obtained local siting approval for the CWU.

35. On April 1, 2011, the Illinois EPA issued to CLI a permit to operate the CWU. This permit authorized CLI to accept MGP waste in the CWU and, subject to USEPA approval, accept TSCA-PCBs in the CWU.



36. On July 22, 2014, the Illinois EPA sent a letter to the DeWitt County Board seeking information regarding the September 12, 2002 local siting approval for Clinton Landfill No. 3.

37. On July 24, 2014, the DeWitt County Board responded to the July 22, 2014, Illinois EPA letter seeking information regarding the September 12, 2002 local siting approval.

38. Specifically, the July 24, 2014, DeWitt County Board letter stated, in pertinent part, as follows:

The Board did not authorize the disposal of TSCA-regulated PCBs in its September 12, 2002 siting approval. In fact, a Clinton Landfill representative testified at the siting hearing that no such PCB waste would be accepted by the Landfill. The Board also did not authorize the disposal of manufactured gas plant (MGP) waste which exceeds the regulatory levels contained in 35 Ill. Adm. Code 721.124(b) in its September 12, 2002 siting approval.

39. On July 31, 2014, the Illinois EPA issued Permit Modification No. 47 (“Mod 47”) to CLI, which prohibits disposal in the CWU of TSCA-PCBs and MGP Source Material that exceeds the regulatory levels for any contaminant in 35 Ill. Adm. Code 721.124(b), until such time as CLI obtains local siting approval from the DeWitt County Board.

40. Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2014), provides as follows:

No person shall:

\* \* \*

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

\* \* \*

(2) in violation of any regulations or standards adopted by the Board under this Act;

41. Section 21(e) of the Act, 415 ILCS 5/21(e) (2014), provides as follows:

No person shall:

\* \* \*

(e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

42. Section 3.315 of the Act, 415 ILCS 5/3.315 (2014), provides as follows:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

43. CLI, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2014).

44. Section 3.535 of the Act, 415 ILCS 5/3.535 (2014), provides, in pertinent part, as follows:

“Waste” means any garbage . . . or any other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. . . .

45. TSCA-PCBs and MGP waste that exceeds the regulatory levels for any contaminant in 35 Ill. Adm. Code 721.124(b) are each “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2014).

46. Section 810.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 810.103, provides the following definitions:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water or into any well such that solid waste or any constituent of the solid waste may enter the environment by being emitted into the air or discharged into any waters, including groundwater. [415 ILCS 5/3.185] If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation will constitute disposal.

“Landfill” means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

47. The Clinton Landfill 3 is a “landfill” where “disposal” operations occur as those terms are defined in Section 810.103 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 810.103.

48. Section 812.105 of the Board Solid Waste Landfill Regulations, 35 Ill. Adm. Code 812.105, provides as follows:

The applicant shall state whether the facility is a new regional pollution control facility, as defined in Section 3.32 of the Act, which is subject to the site location suitability approval requirements of Sections 39(c) and 39.2 of the Act. If such approval by a unit of local government is required, the application shall identify the unit of local government with jurisdiction. The application shall contain any approval issued by that unit of local government. If no approval has been granted, the application shall describe the status of the approval request.

49. Section 39.2 of the Act gives local governmental units the authority to assess the impact of significant alterations and modifications to the scope and nature of previously permitted landfill facilities, 415 ILCS 5/39.2, and to determine, among other things, whether "the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected." 415 ILCS 5/39.2(a)(ii).

50. The public, including Plaintiffs herein, have the statutory right to participate in any local siting hearing and "file written comment with the county board . . . concerning the appropriateness of the proposed site for its intended purpose." 415 ILCS 5/39.2(c). The public, including Plaintiffs herein, have the statutory right to seek review of the grant of local siting approval by appeal to the Illinois Pollution Control Board and the Illinois Appellate Court. 415 ILCS 5/40.1 ("third party other than the applicant who participated in the public hearing"); 5/41(a)("any party adversely affected by a final order or determination of the Board").

51. Prior to its February 1, 2008 permit application (paras. 30-32, supra), CLI failed to obtain the necessary local siting approval for the modifications in Mod 9, specifically 1) disposal of TSCA-PCBs and MGP Source Material; and 2) the redesign of the landfill to include additional liner components and a redundant leachate drainage and collection system to meet the Design and Operating Requirements for a hazardous waste landfill set forth in 35 Ill. Adm. Code Part 724.401.

52. CLI failed to adequately demonstrate in its February 1, 2008 permit application that it had the necessary local siting approval for the modifications in Mod 9, and therefore CLI violated Section 812.105 of the Board Solid Waste Landfill Regulations, 35 Ill. Adm. Code 812.105.

53. By violating Section 812.105 of the Board Solid Waste Landfill Regulations, 35 Ill. Adm. Code 812.105, CLI therefore also violated Section 21(d)(2) and (e) of the Act, 415 ILCS 5/21(d)(2) and (e) (2014).

54. From 2011 through October 14, 2013, at Clinton Landfill No. 3, CLI disposed of 29,667 tons of manufactured gas plant (MGP) remediation waste pursuant to Illinois EPA permit referenced in Paragraph 35.

55. The MGP remediation waste disposed of by CLI at the Facility had been generated from the remediation of MGP sites or facilities, the chemical analysis of which waste, if it were tested using Method 1311 (Toxicity Characteristic Leaching Procedure in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” USEPA Publication Number EPA 530/SW-846), would demonstrate that the waste exceeds the regulatory levels for one or more of the contaminants listed in the table contained in 40 C.F.R. 261.24(b) and 35 Ill. Adm. Code 721.124(b)(hereinafter the “MGP Source Material”).

56. Allowing additional MGP Source Material to be deposited without any local siting approval from the DeWitt County Board constitutes a substantial and unreasonable interference with the rights of the Plaintiffs and the public to participate in a local siting hearing before the DeWitt County Board as required by statute in furtherance of protecting the Mahomet Aquifer and the public health, safety and welfare, thereby posing a public nuisance.

57. Had CLI filed an application for local siting approval before the DeWitt County Board for the CWU, and held a hearing pursuant to 415 ILCS 5/39.2, Plaintiffs would have participated in the hearing to present evidence related to the protection of the Mahomet Aquifer, and on information and belief, the application would be denied and no MGP Source Material deposited over the Mahomet Aquifer. CLI’s conduct is of a continuing nature where CLI knows or has reason to know that its conduct in not seeking

local siting approval for the CWU had and has a significant effect upon the public right and was a material element and a substantial factor in bringing about the injury to the public.

WHEREFORE, Plaintiffs, *MAHOMET VALLEY WATER AUTHORITY*, CITY OF CHAMPAIGN, ILLINOIS, a municipal corporation, DONALD R. GERARD, CITY OF URBANA, ILLINOIS, a municipal corporation, LAUREL LUNT PRUSSING, CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation, COUNTY OF CHAMPAIGN, ILLINOIS, COUNTY OF PIATT, ILLINOIS, TOWN OF NORMAL, ILLINOIS, a municipal corporation, VILLAGE OF SAVOY, ILLINOIS, a municipal corporation, CITY OF DECATUR, a municipal corporation, CITY OF MONTICELLO, ILLINOIS, a municipal corporation, CITY OF TUSCOLA, ILLINOIS, a municipal corporation, VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation, COUNTY OF McLEAN, ILLINOIS, COUNTY OF MACON, ILLINOIS, and DEBORAH FRANK-FEINEN, respectfully request that the Court enter an order against the Defendant, CLINTON LANDFILL, INC., an Illinois corporation:

1. Finding that Clinton Landfill, Inc. sought and obtained approval from Illinois EPA to develop and operate a Chemical Waste Unit at Clinton Landfill No. 3, without first obtaining the required local siting approval for that unit from the DeWitt County Board, which deprived the Plaintiffs herein of their statutory right to be heard on the safety of this disposal activity, causing a public nuisance; and

2. Enjoining Clinton Landfill, Inc. from further disposal at the CWU of MGP Source Material waste and the future disposal of PCB wastes at concentrations regulated under the TSCA; and

3. Providing for such other and further relief as the Court may deem just and proper and in the public interest.

Respectfully submitted,

*MAHOMET VALLEY WATER AUTHORITY,*  
CITY OF CHAMPAIGN, ILLINOIS, a municipal corporation, DONALD R. GERARD, CITY OF URBANA, ILLINOIS, a municipal corporation, LAUREL LUNT PRUSSING, CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation, COUNTY OF CHAMPAIGN, ILLINOIS, COUNTY OF PIATT, ILLINOIS, TOWN OF NORMAL, ILLINOIS, a municipal corporation, VILLAGE OF SAVOY, ILLINOIS, a municipal corporation, and CITY OF DECATUR, ILLINOIS, a municipal corporation, CITY OF MONTICELLO, ILLINOIS, a municipal corporation, CITY OF TUSCOLA, ILLINOIS, a municipal corporation, VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation, COUNTY OF McLEAN, ILLINOIS, COUNTY OF MACON, ILLINOIS, and DEBORAH FRANK-FEINEN

Plaintiffs,

By: 

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## EXHIBIT A

### LEGAL DESCRIPTION OF SITE (Clinton Landfill No. 3)

The approximately 269 acre site is located approximately 2 miles south of Clinton, Illinois east of U.S. Highway 51, in Texas Township, DeWitt County, Illinois. The site is legally described as follows:

Part of the Northeast Quarter and the Southeast Quarter of Section 10, Township Nineteen (19) North, Range Two (2) East; the Northwest Quarter and the Southwest Quarter of Section 11, Township Nineteen (19) North, Range Two (2) East; and the Northwest Quarter of the Northeast Quarter and the North Half of the Northwest Quarter of Section 14, Township Nineteen (19) North, Range Two (2) East, all situated in Dewitt County, Illinois and more particularly described as follows;

Commencing at the Southwest corner of the Northeast Quarter of said Section 10; thence N.88°36'34"E., 345.56 feet along the South line of the Northeast Quarter of said Section 10 to the Point of Beginning; thence N.0°00'05"W., 63.49 feet to the Northerly Right of Way line of a township road; thence S.89°59'55"W., 60.00 feet along the said Northerly Right of Way line; thence S.17°16'48" W., 47.13 feet along the said Northerly Right of Way line; thence N.87°43'00"W., 124.87 feet along said Northerly Right of way to the Easterly Right of Way line of F.A. Route 412 (US Route 51); thence N.0°19'42"E., 82.61 feet along said Easterly Right of Way line; thence N.5°22'57"W., 100.50 feet along said Easterly Right of Way line; thence N.0°19'42"E., 88.93 feet along said Easterly Right of Way line; thence N.88°36'34"E., 2530.01 feet to the East line of the Northeast Quarter of said Section 10; thence N.88°25'40"E., 204.15 feet to the East Right of Way line of the now abandoned Illinois Central Gulf Railroad; thence S.0°20'22"E., 300.05 feet along the said East Right of Way to the North line of the Southwest Quarter of said Section 11; thence N.88°25'40"E., 2444.08 feet along the North line of the Southwest Quarter of said Section 11 to the iron pin at the Northeast corner of the Southwest Quarter of said Section 11; thence S.0°11'27"W., 1319.68 feet along the East line of the Northeast Quarter of the Southwest Quarter of said Section 11 to the iron pin at the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 11; thence S.0°20'57"W., 1336.42 feet along the East line of the Southeast Quarter of the Southwest Quarter of said Section 11 to the iron pin at the Southeast Corner of the Southwest Quarter of said Section 11; thence S.0°29'23"W., 196.82 feet along the West line of the Northwest Quarter of the Northeast Quarter of said Section 14; thence S.37°48'15"E., 884.21 feet; thence South, 427.15 feet to the South line of the Northwest



Quarter of the Northeast Quarter of said Section 14; thence S.88°41'09"W., 549.84 feet along the South line of the Northwest Quarter of the Northeast Quarter of said Section 14 to the iron pin at the Southwest Corner of the Northwest Quarter of the Northeast Quarter of said Section 14; thence S.88°34'49"W., 1167.00 feet along the South line of the North Half of the Northwest Quarter of said Section 14; thence N.65°24'32"W., 1454.56 feet; thence West, 143.42 feet; thence N.0°20'22"W., 298.81 feet; thence N.0°20'22"W., 2805.20 feet; thence N.45°45'22"W., 222.93 feet; thence S.88°23'08"W., 950.46 feet; thence S.12°26'12"W., 316.59 feet; thence N.76°33'13"W., 1149.56 feet; thence N.0°00'05"W., 96.51 feet to the Point of Beginning and containing 268.804 acres more or less.

Part of 12-10-400-003

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DEWITT COUNTY, ILLINOIS  
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a municipal corporation, and CITY OF DECATUR, )  
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corporation, COUNTY OF McLEAN, ILLINOIS, )  
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DEBORAH FRANK-FEINEN, )

Plaintiffs, )

v. )

CLINTON LANDFILL, INC., an Illinois )  
corporation, )

Defendant. )

**FILED**  
DeWitt County, Illinois

NOV 12 2015

*Patricia A. Barnes*  
Clerk of the Circuit Court

No. 2015 CH 45

**ENTRY OF APPEARANCE**

To the Clerk of this Court and all parties of record:

Please enter our appearance as counsel of record in this case for the following:

Defendant CLINTON LANDFILL, INC.

Dated: November 12, 2015.

Respectfully submitted,

ELIAS, MEGINNES & SEGHETTI, P.C.


By:   
Janaki Nair

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915-0730

**CERTIFICATE OF SERVICE**

The undersigned certifies that on November 12, 2015, a copy of the foregoing document was served upon each party to this case by personal delivery to the attorney of record of each party at the DeWitt County Courthouse, 201 West Washington, Clinton, IL 61727.

  
\_\_\_\_\_  
Attorney

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corporation, VILLAGE OF SAVOY, ILLINOIS, )  
a municipal corporation, and CITY OF DECATUR, )  
ILLINOIS, a municipal corporation, CITY OF )  
MONTICELLO, ILLINOIS, a municipal corporation, )  
CITY OF TUSCOLA, ILLINOIS, a municipal corporation, )  
VILLAGE OF FORSYTH, ILLINOIS, a municipal )  
corporation, COUNTY OF McLEAN, ILLINOIS, )  
COUNTY OF MACON, ILLINOIS, and )  
DEBORAH FRANK-FEINEN, )

Plaintiffs, )

v. )

CLINTON LANDFILL, INC., an Illinois )  
corporation, )

Defendant. )

**FILED**  
DeWitt County, Illinois  
NOV 12 2015  
*Pamela A. Barnes*  
Clerk of the Circuit Court

No. 2015 CH 45

**AGREED MOTION TO CONSOLIDATE**

NOW COME MAHOMET VALLEY WATER AUTHORITY, CITY OF CHAMPAIGN, ILLINOIS, a municipal corporation, DONALD R. GERARD, CITY OF URBANA, ILLINOIS, a municipal corporation, LAUREL LUNT PRUSSING, CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation, COUNTY OF CHAMPAIGN, ILLINOIS, COUNTY OF PIATT, ILLINOIS, TOWN OF NORMAL, ILLINOIS, a municipal corporation, VILLAGE OF SAVOY, ILLINOIS, a municipal corporation, CITY OF DECATUR, a municipal corporation,

CITY OF MONTICELLO, ILLINOIS, a municipal corporation, CITY OF TUSCOLA, ILLINOIS, a municipal corporation, VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation, COUNTY OF McLEAN, ILLINOIS, COUNTY OF MACON, ILLINOIS, and DEBORAH FRANK-FEINEN, (individually and collectively, the “Local Governmental Plaintiffs”), and the Defendant, CLINTON LANDFILL, INC., an Illinois corporation (“CLI”), by and through their undersigned attorneys, and as and for their Agreed Motion to Consolidate, state as follows:

1. The Local Governmental Plaintiffs and CLI request that the Court consolidate this case with the case contemporaneously filed by Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois (the “State”), against CLI.

2. The cases sought to be consolidated arise out of and concern the same site and same operative facts.

3. The State, CLI, and the Local Governmental Plaintiffs have collectively agreed to submit a proposed Consent Order to the Court, which would resolve all issues in both of the cases sought to be consolidated.

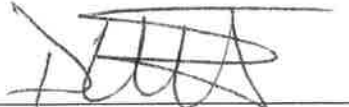
4. The State, CLI, and the Local Governmental Plaintiffs are prepared to submit the negotiated Consent Order to this Court for entry immediately.

WHEREFORE, the Local Governmental Plaintiffs and CLI respectfully request that this Court enters the Consent Order submitted contemporaneously herewith, thereby granting this Motion and consolidating the cases filed by the State and the Local Governmental Plaintiffs.

Respectfully submitted,

MAHOMET VALLEY WATER AUTHORITY, CITY OF CHAMPAIGN, ILLINOIS, a municipal corporation, DONALD R. GERARD, CITY OF URBANA, ILLINOIS, a municipal corporation, LAUREL LUNT PRUSSING, CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation, COUNTY OF CHAMPAIGN, ILLINOIS, COUNTY OF PIATT, ILLINOIS, TOWN OF NORMAL, ILLINOIS, a municipal corporation, VILLAGE OF SAVOY, ILLINOIS, a municipal corporation, and CITY OF DECATUR, ILLINOIS, a municipal corporation, CITY OF MONTICELLO, ILLINOIS, a municipal corporation, CITY OF TUSCOLA, ILLINOIS, a municipal corporation, VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation, COUNTY OF McLEAN, ILLINOIS, COUNTY OF MACON, ILLINOIS, and DEBORAH FRANK-FEINEN, Plaintiffs

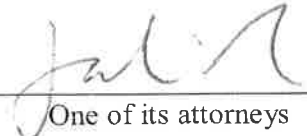
By:



One of their attorneys

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CLINTON LANDFILL, INC.,  
Defendant

By:   
One of its attorneys

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Janaki Nair, Esq.  
Elias, Meghinnes & Seghetti, P.C.  
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Telephone: (309) 637-6000

AGREED:

PEOPLE OF THE STATE OF ILLINOIS  
*ex rel.* LISA MADIGAN, Attorney General  
of the State of Illinois,

By: \_\_\_\_\_  
One of her attorneys

Jennifer A. Van Wie, Assistant Attorney General  
Stephen Sylvester, Assistant Attorney General  
Illinois Attorney General's Office  
Environmental Bureau  
69 W. Washington St., Suite 1800  
Chicago, Illinois 60602  
(312) 814-0609  
(312) 814-2087



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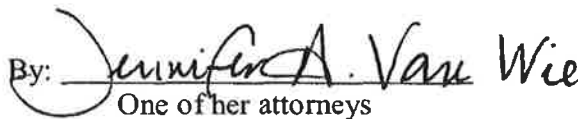
CLINTON LANDFILL, INC.,  
Defendant

By: \_\_\_\_\_  
One of its attorneys

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Janaki Nair, Esq.  
Elias, Meginnes & Seghetti, P.C.  
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Peoria, IL 61602  
Telephone: (309) 637-6000

AGREED:

PEOPLE OF THE STATE OF ILLINOIS  
*ex rel.* LISA MADIGAN, Attorney General  
of the State of Illinois,

By:  \_\_\_\_\_  
One of her attorneys

Jennifer A. Van Wie, Assistant Attorney General  
Stephen Sylvester, Assistant Attorney General  
Illinois Attorney General's Office  
Environmental Bureau  
69 W. Washington St., Suite 1800  
Chicago, Illinois 60602  
(312) 814-0609  
(312) 814-2087

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
DEWITT COUNTY, ILLINOIS  
CHANCERY DIVISION**

MAHOMET VALLEY WATER AUTHORITY, )  
CITY OF CHAMPAIGN, ILLINOIS, a municipal )  
corporation, DONALD R. GERARD, )  
CITY OF URBANA, ILLINOIS, a municipal corporation, )  
LAUREL LUNT PRUSSING, )  
CITY OF BLOOMINGTON, ILLINOIS, )  
a municipal corporation, COUNTY OF CHAMPAIGN, )  
ILLINOIS, COUNTY OF PIATT, ILLINOIS, )  
TOWN OF NORMAL, ILLINOIS, a municipal )  
corporation, VILLAGE OF SAVOY, ILLINOIS, )  
a municipal corporation, and CITY OF DECATUR, )  
ILLINOIS, a municipal corporation, CITY OF )  
MONTICELLO, ILLINOIS, a municipal corporation, )  
CITY OF TUSCOLA, ILLINOIS, a municipal corporation, )  
VILLAGE OF FORSYTH, ILLINOIS, a municipal )  
corporation, COUNTY OF McLEAN, ILLINOIS, )  
COUNTY OF MACON, ILLINOIS, and )  
DEBORAH FRANK-FEINEN, )  
)  
Plaintiffs, )  
)  
v. )  
)  
CLINTON LANDFILL, INC., an Illinois )  
corporation, )  
)  
Defendant. )

**FILED**  
DeWitt County, Illinois

**NOV 12 2015**

*Pamela A. Barnes*  
Clerk of the Circuit Court

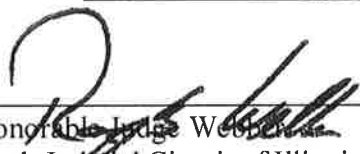
No. 2015 CH 45

**ORDER GRANTING AGREED MOTION TO CONSOLIDATE**

This cause coming before this Court for entry of an Order granting the Agreed Motion of MAHOMET VALLEY WATER AUTHORITY, CITY OF CHAMPAIGN, ILLINOIS, a municipal corporation, DONALD R. GERARD, CITY OF URBANA, ILLINOIS, a municipal corporation, LAUREL LUNT PRUSSING, CITY OF BLOOMINGTON, ILLINOIS, a municipal corporation, COUNTY OF CHAMPAIGN, ILLINOIS, COUNTY OF PIATT, ILLINOIS, TOWN OF NORMAL, ILLINOIS, a municipal corporation, VILLAGE OF SAVOY,

ILLINOIS, a municipal corporation, CITY OF DECATUR, a municipal corporation, CITY OF MONTICELLO, ILLINOIS, a municipal corporation, CITY OF TUSCOLA, ILLINOIS, a municipal corporation, VILLAGE OF FORSYTH, ILLINOIS, a municipal corporation, COUNTY OF McLEAN, ILLINOIS, COUNTY OF MACON, ILLINOIS, and DEBORAH FRANK-FEINEN, (individually and collectively, the “Local Governmental Plaintiffs”), and the Defendant, CLINTON LANDFILL, INC., an Illinois corporation (“CLI”), to Consolidate this matter into Case No. 2015 CH 46, with the agreement of the plaintiff in that case, namely, the Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois (the “State”). With the Local Governmental Plaintiffs, CLI, and the State all appearing by counsel, IT IS HEREBY ORDERED that this case is consolidated into Case No. 2015 CH 46.

Entered: November 12, 2015

  
\_\_\_\_\_  
Honorable Judge Weber  
Sixth Judicial Circuit of Illinois  
DeWitt County