

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

PEOPLE OF THE STATE OF ILLINOIS )  
*ex rel.* LISA MADIGAN, Attorney )  
General of the State of Illinois, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CLINTON LANDFILL, INC., an Illinois )  
Corporation, )  
 )  
Defendant. )

No. 15-CH-46

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

**COMPLAINT FOR INJUNCTIVE RELIEF**

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of the Defendant, CLINTON LANDFILL, INC., an Illinois corporation, as follows:

**COUNT I  
WASTE DISPOSAL IN VIOLATION OF THE ACT**

1. This complaint is brought on behalf of the People of the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to the terms and provisions of Sections 42(d) and (e) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42(d) and (e) (2014), against Clinton Landfill, Inc. (“Complaint”).
2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2014), and is charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to the Complaint, Defendant Clinton Landfill, Inc. (“CLI”), was and is an Illinois corporation in good standing with the Illinois Secretary of State’s Office.

4. At all times relevant to the Complaint, CLI has and does own and operate a 157.5-acre municipal solid waste and non-hazardous special waste landfill located at 9550 Heritage Road, Clinton, unincorporated DeWitt County, Illinois (“Clinton Landfill 3”).

5. On April 12, 2002, CLI filed an Application for Local Siting Approval of a Pollution Control Facility with the DeWitt County Clerk for Clinton Landfill 3.

6. 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.

7. 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.

8. On October 17, 2002, the DeWitt County Board certified its siting approval for Clinton Landfill 3, a municipal solid waste and non-hazardous special waste landfill.

9. On February 28, 2005, CLI submitted a permit application to the Illinois EPA to develop Clinton Landfill 3 as a new solid waste landfill which would accept municipal solid wastes and non-hazardous special wastes.

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

11. 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 3.

12. 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 3.

13. In its February 1, 2008 permit application, CLI proposed to substantially change the nature and character of Clinton Landfill 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.

14. 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.

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

16. 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 3 based, in part, on CLI's representations that it had obtained local siting approval for the CWU.

17. 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.

18. 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 3.

19. 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.

20. 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.

21. 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, until such time as CLI obtains local siting approval from the DeWitt County Board.

22. 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;

23. 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.

24. 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.

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

26. 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. . . .

27. TSCA-PCBs and MGP Source Material are each “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2014).

28. Pursuant to authority granted under the Act, the Illinois Pollution Control Board (“Board”) has promulgated standards for solid waste landfills, codified at 35 Ill. Adm. Code Part 810 through 815 (“Board Solid Waste Landfill Regulations”).

29. 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.

30. 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.

31. 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.

32. In its February 1, 2008 permit application, CLI failed to adequately demonstrate that it had the necessary local siting approval for the modifications in Mod. 9, specifically 1) disposal of TSCA-PCBs and 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.

33. 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.

34. 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).

35. Violations of the pertinent environmental statutes and regulations will continue or reoccur unless and until this Court grants equitable relief in the form of a preliminary injunction, and, after a trial, a permanent injunction.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction and an order in favor of Plaintiff and against the Defendant, CLINTON LANDFILL, INC.:

1. Finding that Clinton Landfill, Inc. has violated Sections 21(d)(2) and (e) of the Act, 415 ILCS 5/21(d)(2) and (e) (2014), and Section 812.105 of the Board Solid Waste Landfill Regulations, 35 Ill. Adm. Code 812.105;

2. Enjoining Clinton Landfill, Inc. from further violations of Sections 21(d)(2) and (e) of the Act, 415 ILCS 5/21(d)(2) and (e) (2014), and Section 812.105 of the Board Solid Waste Landfill Regulations, 35 Ill. Adm. Code 812.105; and

3. Ordering such other and further relief as this Court deems appropriate and just.

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

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:



ELIZABETH WALLACE, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel:

STEPHEN J. SYLVESTER  
JENNIFER A. VAN WIE  
Assistant Attorneys General  
Environmental Bureau  
Office of the Illinois Attorney General  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-2087/0609



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

**FILED**  
DeWitt County, Illinois

NOV 12 2015

*Pamela A. Barnes*  
Clerk of the Circuit Court

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

Plaintiff,

v.

CLINTON LANDFILL, INC., an Illinois  
corporation,

Defendant.

No. 2015 CH 46

**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: 

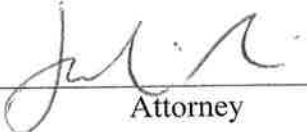
Janaki Nair

Brian J. Meghinnes, Esq.  
Janaki Nair, Esq.  
Elias, Meghinnes & Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, Illinois 61602-1611  
Telephone: (309) 637-6000  
Facsimile: (309) 637-8514

915-0729

**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

Brian J. Meginnes, Esq.  
Janaki Nair, Esq.  
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Telephone: (309) 637-6000  
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*Pamela A. Bateman*  
Clerk of the Circuit Court

PEOPLE OF THE STATE OF ILLINOIS, )  
*ex rel.* LISA MADIGAN, Attorney )  
General of the State of Illinois, )  
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Plaintiff, )  
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v. )  
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CLINTON LANDFILL, INC., an Illinois )  
corporation, )  
 )  
Defendant. )

No. 2015 CH 46

**AGREED MOTION TO CONSOLIDATE**

NOW COME the Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois (the "State"), 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 State and CLI request that the Court consolidate this case with the case contemporaneously filed by 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,

FORSYTH, ILLINOIS, a municipal corporation, COUNTY OF McLEAN, ILLINOIS, COUNTY OF MACON, ILLINOIS, and DEBORAH FRANK-FEINEN, (individually and collectively, the "Local Governmental Plaintiffs"), against CLI.

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

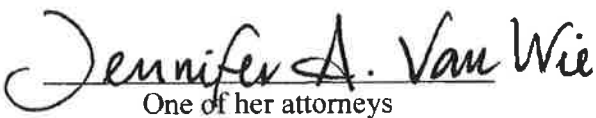
3. The State, CLI, and the Local Governmental Plaintiffs have collectively agreed to submit a proposed Consent Order to the Court, which would resolve all issues in both of the cases sought to be consolidated.

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 State 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.

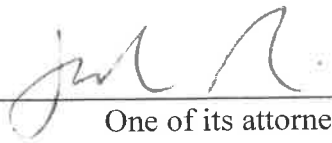
Respectfully submitted,

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  
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(312) 814-0609  
(312) 814-2087


CLINTON LANDFILL, INC.,  
Defendant

By:   
One of its attorneys

Brian J. Meghinnes, Esq.  
Janaki Nair, Esq.  
Elias, Meghinnes & Seghetti, P.C.  
416 Main Street, Suite 1400  
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Telephone: (309) 637-6000

AGREED:

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,

By:   
One of their attorneys

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401 Main Street, 14th Floor  
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Telephone: (309) 637-1400

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*ex rel.* LISA MADIGAN, Attorney )  
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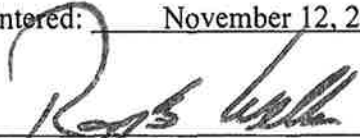
No. 2015 CH 46

**ORDER GRANTING AGREED MOTION TO CONSOLIDATE**

This cause coming before this Court for entry of an Order granting the Agreed Motion of the Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois (the "State"), and the Defendant, CLINTON LANDFILL, INC., an Illinois corporation ("CLI"), to consolidate this matter into Case No. 2015 CH 45, filed by 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"), against  
CLI. With the agreement of the Local Governmental Plaintiffs, the Local Governmental  
Plaintiffs, CLI, and the State all appearing by counsel, IT IS HEREBY ORDERED that Case No.  
2015 CH 45 is hereby consolidated into this case.

Entered: November 12, 2015



Honorable Judge Webber  
Sixth Judicial Circuit of Illinois  
DeWitt County