

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
COMMUNITY LANDFILL COMPANY,)
INC., an Illinois corporation, and)
the CITY OF MORRIS, an Illinois)
municipal corporation,)
)
Respondents.)

PCB No. 03-191
(Enforcement)

NOTICE OF FILING

TO: Christopher Grant
Environmental Bureau
Assistant Attorney General
188 West Randolph Street
20th Floor
Chicago, Illinois 60601

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph
Suite 11
Chicago, Illinois 60601

Charles F. Helsten
Hinshaw & Culbertson, LLP
100 Park Avenue
P.O. Box 1389
Rockford, Illinois 61105-1389

Scott Belt
Scott Belt and Associates, PC
105 East Main Street
Suite 206
Morris, Illinois 60450

PLEASE TAKE NOTICE that on **SEPTEMBER 22, 2006**, the undersigned caused to be electronically filed with Ms. Dorothy Gunn, Clerk of the Illinois Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601, the **RESPONDENT COMMUNITY LANDFILL COMPANY, INC.'s MOTION TO CANCEL HEARING**, a copy of which is attached and hereby served upon you.



One of the Attorneys for Community Landfill Co.

Mark A. LaRose
Clarissa C. Grayson
LAROSE & BOSCO, LTD.
Attorney No. 37346
200 North LaSalle Street, Suite 2810
Chicago, Illinois 60610
(312) 642-4414

CERTIFICATE OF SERVICE

I, Clarissa C. Grayson, an attorney hereby certify that I caused to be served a copy of the foregoing **RESPONDENT COMMUNITY LANDFILL COMPANY, INC.s' MOTION TO CANCEL HEARING** by placing same in first-class postage prepaid envelopes and depositing same in the U.S. Mail Box located at 200 North LaSalle Street, Chicago, Illinois, this **22nd** day of **September 2006**, addressed as follows:

Christopher Grant
Environmental Bureau
Assistant Attorney General
188 West Randolph Street
20th Floor
Chicago, Illinois 60601

Scott Belt
Scott Belt and Associates, PC
105 East Main Street
Suite 206
Morris, Illinois 60450

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One of the Attorneys for Community Landfill Co.

Mark A. LaRose
Clarissa C. Grayson
LaRose & Bosco, Ltd.
Attorney No. 37346
200 North LaSalle Street
Suite 2810
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RESPONDENT COMMUNITY LANDFILL COMPANY, INC.'s
MOTION TO CANCEL HEARING

Respondent COMMUNITY LANDFILL COMPANY, INC., by and through its attorneys LaRose & Bosco, Ltd. and pursuant to 35 Ill.Adm. Code 101.510, hereby moves the Illinois Pollution Control Board to cancel the hearing in this matter scheduled for October 24-27, 2006 and in support thereof, states as follows:

1. This matter is currently scheduled for hearing on October 24-27, 2006 at 9:00 a.m. in the Grundy County Administrative Center Board Room, 1320 Union Street, Morris, Illinois, pursuant to Hearing Officer Bradley Halloran's Notice of Hearing dated September 20, 2006.
2. This motion is timely filed pursuant to 35 Ill.Adm.Code 101.510(a) which requires that this Motion to Cancel Hearing be filed no fewer than ten (10) days before the scheduled hearing date, or October 14, 2006.
3. The factual basis for the Motion to Cancel Hearing is set forth herein, in the Affidavit of Clarissa Cutler Grayson (attached as Exh. A and incorporated herein), and in the letters from Mr.

Pruim's physicians, Dr. Daniel Rowan, his cardiologist (see Dr. Rowan letter dated September 22, 2006, attached to the Affidavit as Exh. 1) and Dr. Timothy Wollner, his family physician (see Dr. Wollner letter dated September 21, 2006, attached to the Affidavit as Exh. 2).

4. Edward Pruim, Secretary/Treasurer of CLC, recently underwent emergency quintuple bypass surgery which was complicated by the presence of an aortic aneurism. (See Exh. A, ¶ 3 and attached Exhs. 1 and 2). Mr. Pruim was hospitalized from August 26-September 9, 2006 at both Palos Community Hospital and Christ Hospital. (See Exh. A, ¶ 3 and attached Exhs. 1 and 2). Mr. Pruim was readmitted to Christ Hospital on September 11, 2006 with a blood clot on his lung, and after receiving treatment for this condition, he was released on September 17, 2006. (See Exh. A, ¶ 3 and attached Exhs. 1 and 2). He is currently recovering at his home and is receiving continued treatment for the blood clot and heart condition. (See Exh. A, ¶ 3 and attached Exhs. 1 and 2).

5. In the professional opinion of his physicians, Mr. Pruim is unable to undergo any stressful work-related activities for at least 5-6 months, including any participation by way of testimony or preparation in the legal proceedings now scheduled before the Illinois Pollution Control Board on October 24-27, 2006. (See Exh. A, ¶ 4 and attached Exhs. 1 and 2). The stress of having to prepare for and testify in this matter could seriously and adversely affect Mr. Pruim's recovery and health. (See Exh. A, ¶ 4 and attached Exhs. 1 and 2). He is physically unable to either prepare for or participate in the hearing scheduled for October 24-27, 2006. (See Exh. A, ¶ 4 and attached Exhs. 1 and 2).

6. In the opinion of Mr. Pruim's physicians, his physical condition should be reviewed in March, 2007 for his ability to participate in this proceeding. (See Exh. A, ¶ 5 and attached Exhs. 1 and 2).

7. The history of this matter's proceedings is set forth in the attached Affidavit of Clarissa Cutler Grayson. (See Exh. A, ¶ 6).

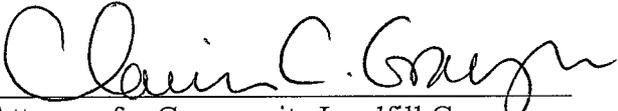
8. No previous cancellation requests have been made in this matter. (See Exh. A, ¶ 7). This is the first cancellation request that has been made. (See Exh. A, ¶ 7).

9. Edward Pruiim's participation in preparation, attendance and testimony is necessary for the defense of this case.

10. This motion to cancel the hearing should be granted pursuant to 35 Ill. Adm. Code 101.501(b) as the attached affidavit and Exhibits 1 and 2 to the affidavit demonstrate that the request is not made as the result of the movant's lack of diligence. (See Exh. A and attached Exhibits 1 and 2).

WHEREFORE, Respondent Community Landfill Company, Inc. respectfully requests that Hearing Officer Bradley Halloran grant its Motion to Cancel Hearing pursuant to 35 Ill. Adm. Code 101.501, and set the matter for status in March, 2007.

Respectfully submitted,


Attorney for Community Landfill Company

Mark A. LaRose
Clarissa C. Grayson
LaRose & Bosco, Ltd.
200 N. LaSalle Street, Suite 2810
Chicago, IL 60601
(312) 642-4414

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AFFIDAVIT OF CLARISSA CUTLER GRAYSON

I, CLARISSA CUTLER GRAYSON, being duly sworn on oath and affirmation, do hereby depose and state as follows:

1. I am one of the attorneys for Community Landfill Company, Inc. ("CLC") and am a partner in the law firm of LaRose & Bosco, Ltd. which represents CLC in the above referenced matter currently pending in the Illinois Pollution Control Board.

2. The factual basis for the Motion to Cancel Hearing is set forth herein and in the letters from his physicians, Dr. Daniel Rowan, Mr. Pruim's cardiologist (see Dr. Rowan letter dated September 22, 2006, attached to this Affidavit as Exh. 1) and Dr. Timothy Wollner, Mr. Pruim's family physician (see Dr. Wollner letter dated September 21, 2006 attached to this Affidavit as Exh. 2).

3. I have been informed that Edward Pruim, Secretary/Treasurer of CLC, recently underwent emergency quintuple bypass surgery which was complicated by the presence of an aortic aneurism. (See attached Exhs. 1 and 2). I have been informed that Mr. Pruim was hospitalized from



August 26-September 9, 2006 at both Palos Community Hospital and Christ Hospital. (See attached Exhs. 1 and 2). I have been informed that Mr. Pruim was readmitted to the hospital on September 11, 2006 with a blood clot on his lung, and after receiving treatment for this condition, he was released on September 17, 2006. (See attached Exhs. 1 and 2). I have been informed that he is currently recovering at his home and is receiving continued treatment for the blood clot and heart condition. (See attached Exhs. 1 and 2).

4. I have been informed that in the professional opinion of his physicians, Mr. Pruim will be unable to undergo any stressful work-related activities for at least 5-6 months and that this would include any participation by way of testimony or preparation in the legal proceedings now scheduled before the Illinois Pollution Control Board on October 24-27, 2006. (See attached Exhs. 1 and 2). I have been informed that the stress of having to prepare for and testify in this matter could seriously and adversely affect Mr. Pruim's recovery and health and that Mr. Pruim is physically unable to either prepare for or participate in the hearing scheduled for October 24-27, 2006. (See attached Exhs. 1 and 2).

5. I have been informed that in the opinion of Mr. Pruim's physicians, his physical condition should be reviewed in March, 2007 for his ability to participate in this proceeding. (See attached Exhs. 1 and 2).

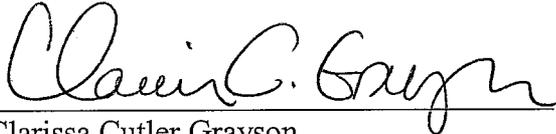
6. The status of this matter's proceedings is as follows. On April 17, 2003, complainant, the People of the State of Illinois, filed a one-count complaint against respondents CLC and the City of Morris alleging failure to provide adequate financial assurance for closure and post-closure operations. On February 16, 2006, the Illinois Pollution Control Board granted summary judgment in favor of the Complainant in its interim opinion and order. On March 31, 2006, both respondents

moved the Board for reconsideration of its interim opinion and order. Both respondents' motions to reconsider were denied by the Board on June 1, 2006. On June 29, 2006, this matter was scheduled for hearing on October 24-27, 2006 by order of Hearing Officer Bradley Halloran.

7. No cancellation requests have been granted in this proceeding. This is the first request for cancellation that has been made.

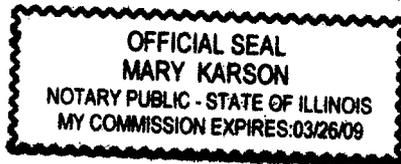
8. The information contained in this Affidavit is based on my personal knowledge. If called upon to do so, I could competently testify to same.

Further, Affiant sayeth naught.


Clarissa Cutler Grayson

SUBSCRIBED AND SWORN TO
before me this 22 day of
September, 2006


NOTARY PUBLIC





Cardiovascular Consultants, LLP

THOMAS J. QUINN, M.D., F.A.C.C., F.A.C.P.
JOSEPH W. MULARCZYK, M.D., F.A.C.C.
DANIEL A. ROWAN, D.O., F.A.C.C., F.A.C.P., F.S.C.A.I.
EVANS P. PAPPAS, M.D., F.A.C.C.
CHRISTOPHER J. SULLIVAN, M.D., F.A.C.C.

September 21, 2006

Ms. Clarissa Cutler Grayson
LaRose & Bosco, Ltd.
200 N. LaSalle Street, Suite 2810
Chicago, IL 60602

Re: Edward Pruim

Dear Ms. Grayson:

I am a cardiovascular physician and have practiced medicine for 20 years. Edward Pruim has been my patient for one month, and I am quite familiar with his medical history.

Mr. Pruim recently underwent emergency quintuple bypass surgery, which was complicated by the presence of an aortic aneurysm. Mr. Pruim was hospitalized from August 26 - September 9, 2006 in both Palos Community Hospital and Christ Hospital. I performed an angiogram and examined him numerous times during this hospitalization. Mr. Pruim was readmitted to Christ Hospital on September 11, 2006 with a blood clot on his lung. After receiving treatment for this condition, he was released on September 17, 2006. He is currently recovering at his home and is receiving continued treatment for the blood clot and heart condition. I am continuing to monitor his physical condition.

In my professional opinion, Mr. Pruim will be unable to undergo any stressful work-related activities for at least 5-6 months. This would include any participation by way of testimony or preparation in the legal proceedings now scheduled before the Illinois Pollution Control Board on October 24-27, 2006 and December 11-15, 2006. The stress related to having to prepare for and testify in a legal matter could seriously and adversely affect Mr. Pruim's recovery and health.

As his physician, I advise you that it is my opinion that Mr. Pruim is physically unable to either prepare for or participate in these hearings at this time. It would be my recommendation that his physical condition be reviewed in March, 2007, at which time I would be happy to again render an opinion as to his ability to participate in these legal proceedings.

Thank you. If you have any further questions for me, please do not hesitate to contact me.

Sincerely yours,

Daniel A. Rowan, D.O., FACP, FACC



Timothy S. Wollner, D.O., A.B.F.P.
John C. Elser, M.D., A.B.F.P.
Family Practice
3754 West 95th Street
Evergreen Park, IL 60805

September 21, 2006

Ms. Clarissa Cutler Grayson
LaRose & Bosco, Ltd.
200 North LaSalle Street, Suite 2810
Chicago, IL 60601

Re; Edward Pruim

Dear Ms. Grayson:

I have been Edward Pruim's Family Physician for over ten years. Mr. Pruim recently underwent emergency quintuple bypass surgery which was complicated by the presence of an aortic aneurism. Mr. Pruim was hospitalized from August 26 - September 9, 2006 at both Palos Community Hospital and Christ Hospital. I examined him numerous times during his hospitalization. Mr. Pruim was readmitted to the hospital on September 11, 2006 with a blood clot on his lung. After receiving treatment for this condition, he was released on September 17, 2006. He is currently recovering at his home and is receiving continued treatment for the blood clot and heart condition. I am continuing to monitor his physical condition.

In my professional opinion, Mr. Pruim will be unable to undergo any stressful work-related activities for at least 5 to 6 months. This would include any participation by way of testimony or preparation in the legal proceedings now scheduled for October 24 - 27, 2006 and December 11 - 15, 2006. The stress related to having to prepare for and testify in a legal matter could seriously and adversely affect Mr. Pruim's recovery and health.

As his physician, I advise you that it is my opinion that Mr. Pruim is physical unable to either prepare for or participate in these hearing at this time. It would be my recommendation that his physical condition be reviewed in March, 2007 at which time I would be happy to notify you as to his ability to participate in these legal proceedings.

Thank you. If you have any further questions for me, please do not hesitate to contact me.

Sincerely,



Timothy S. Wollner, D.O., A.B.F.P.

