

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-Land)

to: Mr. Mark La Rose
 La Rose & Bosco
 200 N. La Salle Street, #2810
 Chicago, Illinois 60601
 (312)642-0434

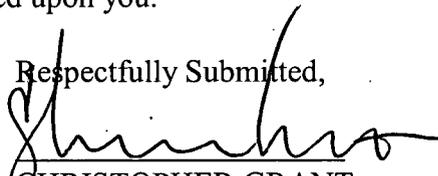
Mr. Bradley P. Halloran
 Hearing Officer
 Illinois Pollution Control Board
 100 W. Randolph, #2001
 Chicago, IL 60601

Mr. Charles Helsten
 Hinshaw & Culbertson
 100 Park Avenue
 Rockford IL 61105-1389
 (815)963-9989

Mr. Scott Belt
 105 East Main Street
 Suite 206
 Morris, Illinois 60450

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, September 27, 2006, filed with the Office of the Clerk of the Illinois Pollution Control Board, by electronic filing, Complainant's Response to the Respondent Community Landfill Company Inc.'s Motion to Cancel Hearing, a copy of which is attached and herewith served upon you.

Respectfully Submitted,
 BY: 
 CHRISTOPHER GRANT
 Assistant Attorneys General
 Environmental Bureau
 188 W. Randolph St., 20th Flr.
 Chicago, IL 60601
 (312) 814-5388

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PEOPLE OF THE STATE OF ILLINOIS,)	
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Complainant,)	
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vs.)	PCB No. 03-191
)	(Enforcement-Land)
COMMUNITY LANDFILL COMPANY, INC.,)	
an Illinois corporation, and)	
the CITY OF MORRIS, an Illinois)	
municipal corporation,)	
)	
Respondents.)	

COMPLAINANT'S RESPONSE IN OPPOSITION TO COMMUNITY LANDFILL COMPANY, INC.'S MOTION TO CANCEL HEARING

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, and responds to Respondent COMMUNITY LANDFILL COMPANY INC.'s ("CLC's") Motion to Cancel Hearing, as follows:

1. On September 22, 2006, CLC filed its Motion to Cancel Hearing pursuant to 35 Ill. Adm. Code 101.510, requesting that the Board cancel hearing on remedy in this matter indefinitely. As a preliminary matter, Complainant believes that this Motion should have been directed to Hearing Officer Bradley P. Halloran and not to the Board. In either case, Complainant does not believe that CLC has provided a legitimate basis for either cancelling or delaying the October 24, 2006 hearing. Complainant therefore requests that CLC's Motion to Cancel Hearing be denied.

2. The basis of CLC's request is the declining health of Mr. Edward Pruim. Edward Pruim is an officer and, along with CLC President Robert Pruim, part owner of CLC. The State certainly sympathizes with Mr. Pruim and his family. However, aside from CLC's unsupported

claim that his participation in "...attendance and testimony is necessary for the defense of this case" (Motion, par. 9), CLC provided no legitimate basis for its request to cancel the hearing in PCB 03-191.

3. Edward Pruim is not a party to this matter, and has had no involvement in the prosecution of this case. Moreover, CLC has never disclosed Edward Pruim as either a fact or opinion witness, although Complainant first requested witness information and disclosure in its January, 2004 discovery requests. CLC's claim that Edward Pruim's 'testimony is necessary' is the first that Complainant has learned of such testimony. Had CLC called him as witness at hearing, Complainant would have vigorously objected.

4. CLC's defense will not be prejudiced by Edward Pruim's incapacity, because Mr. Robert Pruim, president of CLC, can provide all necessary assistance to the corporation. According to CLC's Interrogatory Responses, financial assurance for the landfill was arranged for by "R. Michael McDermont, Mark A. LaRose and Robert Pruim". However, Edward Pruim's name is not mentioned in the responses to any of the State's Interrogatories. Moreover, the Responses were verified by Robert Pruim, not Edward Pruim. Clearly, Robert Pruim possesses sufficient knowledge about the issues in this case to effectively participate in CLC's defense.

5. It is important that hearing in this matter be held as scheduled. On February 21, 2006, the Board entered Summary Judgment, finding that the Respondents violated 415 ILCS 5/21(d)(2) (2004), and 35 Ill. Adm. Code Sections 811.700(f) and 811.712(b). However, the Board held off granting relief, including the interim relief requested by Complainant, until it had the opportunity to review evidence related to Sections 33(c) and 42(h) of the Act. Complainant

believes that ongoing violations exist at the Landfill and seeks to complete the record so that the Board may determine the appropriate relief as soon as reasonably possible.

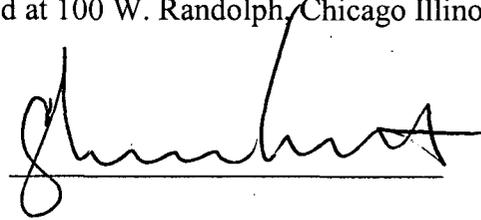
WHEREFORE, Complainant requests that Respondent Community Landfill Company Inc.'s Motion to Cancel Hearing in case PCB 03-191 be denied.

BY: 

Christopher Grant
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Flr.
Chicago, Illinois 60601
(312) 814-5388

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 27th day of September, 2006, the foregoing Response to Respondent Community Landfill Company Inc.'s Motion to Cancel Hearing, and Notice of Filing, upon the persons listed on said Notice by facsimile transmission, hand delivery, and/or placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago Illinois.

A handwritten signature in black ink, appearing to read 'Christopher Grant', is written over a horizontal line. The signature is cursive and somewhat stylized.

CHRISTOPHER GRANT