

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

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

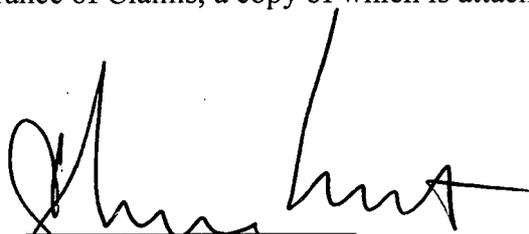
Mr. Charles Helsten
 Hinshaw & Culbertson
 100 Park Avenue
 Rockford IL 61105-1389

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

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, February 9, 2007, filed with the Office of the Clerk of the Illinois Pollution Control Board, by electronic filing, Complainant's Motion to Set Hearing Date or Alternatively for Severance of Claims, a copy of which is attached and herewith served upon you.

BY:



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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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 MOTION TO SET HEARING DATE OR ALTERNATIVELY FOR SEVERANCE OF CLAIMS

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, and respectfully requests that the Illinois Pollution Control Board ("Board") set a date for hearing on remedy in this matter. In the alternative, Complainant request that the Board order severance of Complainant's claims against Respondent CITY OF MORRIS ("Morris") from its claims against Respondent COMMUNITY LANDFILL COMPANY ("CLC") in order that hearing may go forward against Respondent Morris without further delay.

I. INTRODUCTION

In this case, the State of Illinois is addressing serious and ongoing violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 et seq., and the Board's financial assurance regulations. The complaint in this matter was filed with the Board on April 17, 2003.

On July 21, 2005, Complainant moved for summary judgment, which was granted by the Board on February 16, 2006. The Board reaffirmed its decision on June 1, 2006 in its denial of the Respondents' request for reconsideration. During the entire pendency of this matter, and

continuing until the date of filing this Motion, no compliant financial assurance has been in place for the closure of the Morris Community Landfill ("Landfill"), or for maintenance and repair following closure. Conditions at the Landfill continue to degrade, in violation of the Board's regulations, and creating a threat to the welfare of the citizens of Illinois.

The Board has consistently refused to grant any relief in this case, including an order for the Respondents to correct the violations, until it considers evidence relating to Sections 33(c) and 42(h) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/33(c) and 5/42(h) (2004). Complainant has repeatedly requested that this hearing be expedited.

II. HEARING ON REMEDY IS CURRENTLY INDEFINITELY STAYED

On September 22, 2006, Respondent Community Landfill Co. ("CLC") filed a Motion to Cancel Hearing, requesting that the Board strike the October 24-27, 2007 hearing date because of the illness of Mr. Edward Pruum, a corporate officer of Respondent CLC. Attached to CLC's Motion was a letter from Timothy S. Wollner, D.O., essentially stating that preparing for hearing would detrimentally affect Mr. Pruum's health.

CLC claimed, in essence, that Mr. Pruum's unavailability denied it a fair opportunity to prepare its case and that it needed Edward Pruum's testimony. The City of Morris ("Morris") file a Response in support of cancellation, also claiming that Edward Pruum's testimony was an important element of its case. CLC's Motion was granted by the Hearing Officer and affirmed by the full Board on Interlocutory Appeal.

At the request of the Hearing Officer, CLC provided an updated medical evaluation from Daniel A. Rowan, D.O., on January 31, 2007. In summary, Dr. Rowan's letter states that Mr. Pruum continues to be physically unable to participate in legal proceedings, and that his medical

condition should be evaluated again in several months. There is presently no date set for hearing on the sole issue of remedy, and no way of predicting when Edward Pruim's physicians will declare him fit for hearing preparation and testimony.

III. THE BOARD SHOULD NOT ALLOW A CONTINUED DELAY

Edward Pruim's medical condition should not be allowed to indefinitely delay final resolution of this case. He is not a party, but merely a stockholder and officer of Respondent CLC. His testimony was not disclosed by either CLC or Morris in response to witness interrogatories served as early as 2004. Moreover, his participation and/or testimony is not so necessary or unique that his absence at hearing will prejudice either Respondent.

a. Edward Pruim Was Not Personally Involved with Financial Assurance Matters

The subject matter at hearing will be the appropriate remedy for the Respondent's failure to provide compliant closure/post closure financial assurance for the Morris Community Landfill. However, it appears that Edward Pruim was not involved in CLC's arrangements for financial assurance. Attached as Exhibit 'A' are CLC's responses to Complainant's First Set of Interrogatories. The response to Interrogatory 4 (Exhibit A, p.3) provides:

4. *Identify all officers, employees or agents of Respondent CLC who negotiated, solicited or arranged for financial assurance pursuant to the requirement of Permits No. 2000-155-LFM and 2000-156-LFM.*

ANSWER:

R. Michael McDermont [CLC Engineer/Consultant], Mark. A. LaRose [CLC counsel] and Robert Pruim.

CLC's sworn Response clearly demonstrates that Robert Pruim, not Edward, was the CLC officer responsible for arranging financial assurance.

b. Robert Pruim Can Adequately Represent Respondent CLC

Robert Pruim, not Edward Pruim, is President of CLC, and has verified all of CLC's discovery responses in this matter. Clearly, he possesses a comprehensive understanding of this case, and financial operations of the corporation. Such understanding should be presumed: CLC is a small, closely held company, with only two shareholders, Robert Pruim and Edward Pruim.

At deposition in *People v. Community Landfill Co.*, PCB 97-193 (now consolidated with PCB 04-208), Robert Pruim testified about his and Edward Pruim's responsibilities during the period from 1990 to 1997.

Q. What are your responsibilities as president of the company?

Mr. LaRose 1990 to 1997?

Mr. Grant: Sure.

A. Secure customers for the landfill, paying bills, collections, just typical corporate functions.

Q. And what would your brother's responsibilities be?

A. Pretty much the same.

Q. Would you say that you share responsibilities in running the company---

A. Yes.

Q—is that accurate? Board of directors, who are currently the directors of the company

Mr. LaRose: '90 to 97?

Mr. Grant: No, currently

A. Probably all along has been the two of us, Ed and Bob.

(Deposition Transcript Excerpts attached as Exhibit 'B'.)

There is no evidence that the joint responsibilities of Robert and Edward Pruim changed in any way after 1997. Moreover, Robert Pruim confirmed that they were the sole members of the CLC Board as of the date of deposition (October 29, 2003), indicating that the Pruim's joint

management had continued through that date. There is no evidence that Edward Pruim was ever the 'Chief Financial Officer' of CLC, as previously claimed by the City of Morris, or that such a position existed. Having shared the same tasks as Edward Pruim, Robert Pruim can certainly assist in CLC's preparation for hearing on the sole issue of the proper remedy to address the company's violations. Also, based on Robert Pruim's involvement in arranging financial assurance, and prior testimony about joint operation between the two stockholders, Morris' stated concern that they would be 'whipsawed' by Edward Pruim's absence has no merit.

c. Edward Pruim is Not a Necessary Witness for Morris

The City of Morris twice supplemented its Response to Complainant's witness interrogatories. However, at no time prior to October 2, 2006, did the City of Morris ever notify Complainant that it would call Edward Pruim as a witness. Moreover, to the date of filing this Motion, Morris has not properly identified the subject matter of any testimony it would seek from Edward Pruim, nor specified any 'unique' testimony he may offer apart from Robert Pruim. Notably, although Morris took four depositions during discovery, it did not depose Edward Pruim. However, five days after CLC filed its Motion to Cancel Hearing on the basis of Mr. Pruim's medical condition, Morris added Edward Pruim to the final witness and document list required by the August 17, 2006 Hearing Officer Order.¹ As demonstrated above, Robert Pruim can adequately testify on behalf of the Respondent Corporation. The Board should recognize

¹ In its October 22, 2006 Order, the Board found that CLC had properly named Edward Pruim as a witness through submission of its final witness list. Complainant believes that the Board was referring to the City of Morris' disclosure on October 2, 2006. Neither Respondent named Edward Pruim in response to Complainant's Supreme Court Rule 213(f) witness interrogatories. Complainant believes that naming a witness for the first time in response to a hearing officer witness list request, 22 days prior to hearing, neither complies with the Board's discovery rules nor provides sufficient notice to the opposing party.

Morris' claim for what it is: a blatant attempt to delay final resolution of this case - a case where its liability has already been established.

IV. CLOSURE & POST CLOSURE CARE IS OVERDUE

The Landfill is now in a deteriorating condition as a result of the lack of financial assurance. On December 8, 2006, the State of Illinois was compelled to initiate an action in the Circuit Court of Grundy County for immediate injunctive relief. This newly-filed case (06 CH 184) stems from the alleged failure of CLC and the City of Morris to install and operate a compliant landfill gas collection and control system. As shown by the attached affidavit of Matthew Cookingham (Exhibit C), inspections in 2005 and 2006 disclosed direct venting of landfill gas to the atmosphere, failure to operate a flare or other landfill gas collection and control device, non-functional gas extraction wells, and the presence of strong landfill gas odors. In its Circuit Court case, the State has alleged over thirty violations of the Act, the Defendants' CAAPP Permit, and regulations contained in 35 Ill. Adm. Code, Part 220, Subpart B.

In the absence of financial assurance, and as the Landfill continues to deteriorate, the State will be required to engage in additional enforcement litigation to address violations directly related to failure to provide adequate maintenance and long-term care. However, the Board has consistently refused to order the Respondents to provide financial assurance until after hearing evidence on the factors described in 415 ILCS 5/33(c) and 5/42(h). It is just such hearing that the Complainant now seeks to schedule.

V. MOTION TO SEVER

If the Board continues to find that Edward Pruim's assistance is necessary in preparation of CLC's hearing, its should now sever the State's claims for relief against CLC and the City of

Morris. Because the pertinent regulations require both owners and operators to maintain financial assurance, each is individually responsible for compliance².

The City of Morris cannot claim that it requires Edward Pruim's assistance to prepare for hearing as their interests are obviously adverse. Nor can the City legitimately claim that Edward Pruim's testimony is necessary for a fair hearing on remedy for its own violations. Implicit in the Board's earlier findings is the fact that the City of Morris, and Community Landfill Company, were each required to ensure that closure and post-closure financial assurance was maintained for the Morris Community Landfill. Since no later than December 5, 2002, when the Illinois Supreme Court denied the Respondents' Petition for Leave to Appeal the adverse ruling in the Appellate Court³, the City has known that no compliant financial assurance was in place. The decisions, actions, and/or omissions of one officer of CLC have no relevance to the City's failure to act thereafter. Moreover, as shown by Exhibits A and B, Edward Pruim had no role in the provision of financial assurance for the Landfill. To the extent that the City seeks to elicit testimony regarding CLC's failure to provide financial assurance (if that is even relevant to its defense), Robert Pruim, President of CLC, can adequately serve.

For the foregoing reasons, the City of Morris can claim no prejudice from the Board's severance of this Action. However, the State will clearly be prejudiced by failure to either order both Respondents to hearing or to sever this case. An indefinite delay due to the continuing ill

² See, e.g., 35 Ill. Adm. Code 811.706 (c), which provides, in pertinent part:

(c) The owner or operator of an MSWLF unit shall provide financial assurance utilizing one or more of the mechanisms listed in subsection (a) within the following dates:...

³ 202 Ill. 2d 600 (Dec. 5, 2002).

health of Edward Pruim will prevent the State from obtaining the relief that is now required - a court enforceable order requiring the City of Morris to immediately post financial assurance for closure and long term care of this deteriorating landfill. If hearing against either Respondent continues to be delayed by a doctor's opinion regarding the medical condition of one individual officer and stockholder, the State will be prevented from effectively enforcing the Board's regulations and the Illinois Environmental Protection Act.

In the event that the Board severs this action, it may, in the interest of economy, consider consolidation of the remaining remedy issues against CLC in PCB 03-191, with hearing on PCB 97-193/04-208. In that matter, also involving violations and alleged violations at the Landfill, Edward Pruim is a named Respondent, but the City of Morris is not a party.

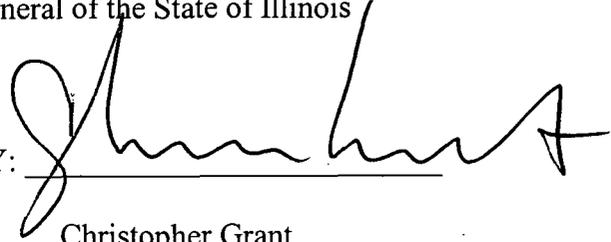
WHEREFORE, Complainant respectfully requests that the Board:

- 1) Order the Hearing Officer to establish a date for hearing on the issue of remedy against the Respondents;
- 2) In the alternative, order this case to be severed for hearing on remedy against each Respondent, and order the Hearing Officer to establish a date for hearing on the issue of remedy against the City of Morris;
- 3) Provide such other relief as the Board deems appropriate and just.

RESPECTFULLY SUBMITTED,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN, Attorney
General of the State of Illinois

BY:

A handwritten signature in black ink, appearing to read "Christopher Grant", written over a horizontal line.

Christopher Grant
Jennifer Tomas
Assistant Attorneys General
Environmental Bureau
188 W. Randolph St., 20th Fl.
Chicago, Illinois 60601
(312) 814-5388
(312) 814-0609

1 brother?

2 A Yes.

3 Q What is his current title and has
4 that remained the same during the same period?

5 A I believe he's secretary, treasurer;
6 and it's remained the same.

7 Q What are your responsibilities as
8 president of the company?

9 MR. LaROSE: 1990 to 1997?

10 MR. GRANT: Sure.

11 BY THE WITNESS:

12 A Secure customers for the landfill,
13 paying bills, collections, just typical
14 corporate functions.

15 BY MR. GRANT:

16 Q And what would your brother's
17 responsibilities be?

18 A Pretty much the same.

19 Q Would you say that you share
20 responsibilities in running the company --

21 A Yes.

22 Q -- is that accurate? Board of
23 directors, who are currently the directors of
24 the company?

1 MR. LaROSE: '90 to 97?

2 MR. GRANT: No, currently.

3 BY THE WITNESS:

4 A Probably all along has been the two
5 of us, Ed and Bob.

6 BY MR. GRANT:

7 Q Is Community Landfill Company
8 currently in good standing? By that, I mean is
9 it still registered with the Secretary of State
10 as a --

11 A To the best of my knowledge, it is.

12 Q Have you paid franchise taxes and
13 whatever corporate fees are required for this
14 year, 2003?

15 A I believe we have.

16 Q Mr. Pruum, you stated that when you
17 purchased Community Landfill Company, it had an
18 ongoing relationship with the city of Morris;
19 is that correct?

20 A Yes.

21 Q In your responsibilities as
22 president, did you work with the city of Morris
23 on the operator-owner relationship -- Let me
24 Strike that.

AFFIDAVIT OF MATTHEW COOKINGHAM

I, Matthew Cookingham, after being duly sworn on oath, state that if called upon to testify in this matter, I would competently testify as follows:

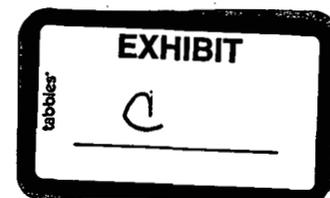
1. I received a Bachelor of Science Degree in Civil Engineering from Valparaiso University in 1994.

2. I have been employed by the Illinois Environmental Protection Agency ("Illinois EPA") since May, 1994.

3. My title is Environmental Protection Engineer for the Illinois EPA Bureau of Air. As part of my responsibilities, I inspect municipal solid waste landfills for compliance with regulations governing the collection and control of landfill gas. I have performed more than one hundred inspections of landfill gas collection and control systems at Illinois landfills, and am familiar with the proper operation of these systems. I am able to recognize the odor of landfill gas.

4. Municipal solid waste and garbage degrades within landfill to form landfill gas. Landfill gas consists of methane, carbon dioxide, sulfur compounds, and various non-methane organic chemicals. Landfill gas has a noxious, characteristic odor. Exposure to landfill gas can result in nausea and headaches.

5. My current responsibilities include conducting inspections of various emission sources, including the Morris Community Landfill, 1501 Ashley Road, Morris, Grundy County, Illinois (hereinafter "Landfill").



6. The Landfill is classified as a municipal solid waste ("MSW") landfill. Illinois EPA Bureau of Land waste disposal permits list the City of Morris as permitted owner, and Community Landfill Co. as permitted operator.

7. On November 19, 2002, Illinois EPA issued Clean Air Permit Program ("CAAPP") Permit No. 0004069. The CAAPP permit also lists the City of Morris as owner, and Community Landfill Co. as operator.

8. A landfill gas collection and control system is present at the Landfill, and consists of vertical wells, designed to extract landfill gas from waste disposal cells, lateral gas collection pipes or 'headers', a main header, and a landfill gas control flare. Aside from the gas control flare, no other landfill gas control/destruction device is present at the Landfill.

9. I visited the Landfill on July 27, 2005, May 8, 2006, and October 18, 2006. At each inspection I spoke with Mr. James Pelnarsh, Site Manager for Community Landfill Co.

10. At the July 27, 2005 inspection, the gas control flare was present at the landfill, but was not connected to the landfill gas wells or collection piping, and was not operating. Mr. Pelnarsh did not have records of operation of the landfill gas collection and control system at the landfill, nor records pertaining to the landfill's CAAPP Permit. He advised me that the City of Morris was in charge of the operation of the Landfill, and directed me to City Mayor Richard Kopczik for more information.

11. On July 27, 2005, I visited the offices of the City of Morris, and spoke with City Clerk John Enger. Mr. Enger was not able to provide any records of operation of the landfill gas collection and control system, or records required by the landfill's CAAPP Permit. Mr. Enger

suggested to me that the landfill's environmental consultants might be in possession of the records.

12. On May 8, 2006, I again visited the Landfill for the purpose of inspection. The gas control flare was present at the Landfill, but was not connected or operating. A strong, noxious odor characteristic of landfill gas was present in the vicinity of the flare, and within 50 yards of Ashley Road.

13. On May 8, 2006, I observed a 13-inch pipe discharging landfill gas directly to the atmosphere. Mr. Pelnarsh told me that high landfill gas pressure in the pipe prevented him from closing off this source of landfill gas emissions.

14. On October 18, 2006, I again visited the Landfill for the purpose of inspection. A strong, noxious odor characteristic of landfill gas was present near the entrance to the Landfill, and within 50 yards of Ashley Road. The Gas Control flare was connected to pipes, but was not operating at the time I arrived. Mr. Pelnarsh told me that the pipes connected to an underground leachate storage tank. Mr. Pelnarsh also advised me that representatives of the City of Morris had directed him not to operate the flare, but that he was running the flare about 3 hours per day because landfill gas odors were very strong.

15. On October 18, 2006, Mr. Pelnarsh advised me that the majority of gas extraction wells at the Landfill were 'watered in', and nonfunctional, i.e. not extracting any landfill gas from waste disposal cells.

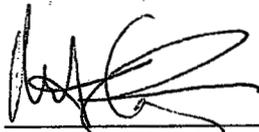
16. On October 18, 2006, I inspected gas extraction wells at the Landfill. Many of the wells had hoses disconnected, were shut down, or not connected to lateral header lines. Mr. Pelnarsh advised me that the only visible header leading from the landfill surface area to the

vicinity of the flare was being used to transport leachate, which is liquid extracted from waste disposal cells.

17. At the October 18, 2006 inspection the 13-inch pipe, previously observed at my May 8, 2006 inspection, was open and actively discharging landfill gas directly to the atmosphere. This pipe appeared to lead from the underground leachate storage tank identified by Mr. Pelnarsh.

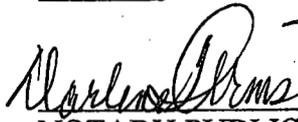
18. Based on my inspection and experience with landfill gas collection and control systems, I was able to determine that landfill gas from the underground storage tank would be discharged directly to the atmosphere when the flare was not operating.

FURTHER AFFIANT SAYETH NOT



Matthew Cookingham

Subscribed and Sworn to
before me this 18th day of
November 2006.


"OFFICIAL SEAL"
DARLENE F. ARMSTRONG
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 11/17/2006
NOTARY PUBLIC

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

v.)

COMMUNITY LANDFILL COMPANY,)

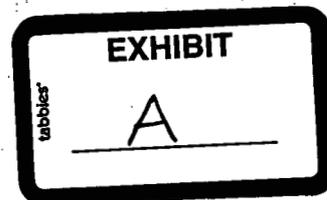
INC., an Illinois Corporation, and the)

CITY OF MORRIS, an Illinois)

municipal corporation,)

Respondents.)

PCB No. 03-191
(Enforcement)



**RESPONDENT COMMUNITY LANDFILL COMPANY'S
RESPONSE TO COMPLAINANT'S FIRST SET OF INTERROGATORIES AND
REQUEST FOR THE PRODUCTION OF DOCUMENTS**

Respondent, COMMUNITY LANDFILL COMPANY (CLC), by its attorneys Mark A. LaRose and Clarissa C. Grayson of LaRose & Bosco, Ltd. pursuant to Illinois Supreme Court Rule 213 and 214, and 35 Ill. Adm. Code 101.616, serves Complainant, PEOPLE OF THE STATE OF ILLINOIS, the following Response to the Complainant's First Set of Interrogatories and Request for the Production of Documents.

RESPONSE TO INTERROGATORIES

1. Identify each person who supplied information for answers to these interrogatories and further state for which interrogatories each person so identified supplied information.

ANSWER:

Respondent CLC objects to this interrogatory as no Board rule or Illinois Supreme Court rule requires this information to be provided, and since it is not relevant or calculated to lead to the discovery of relevant evidence. Subject to and without waiving these objections, the

information provided in these interrogatories was supplied by CLC.

2. Identify each and every fact witness who may be called by Respondent CLC as a witness in any hearing in this matter, and state his or her area of knowledge.

ANSWER:

Although Respondent CLC has not yet identified all individuals it expects to call as witnesses at any hearing, it expects to call current IEPA employees Joyce Munie and Blake Harris; former IEPA employee John Taylor; and any witnesses named by Complainant. Respondent CLC will supplement this response as required.

3. Identify each and every opinion witness who may be called by Respondent CLC as a witness at any hearing in this matter, and state:

- a) his or her area of knowledge;
- b) the subject matter on which the opinion witness will testify;
- c) the conclusions and opinions of the opinion witness and the bases therefore;
- d) the qualifications of the opinion witness.

ANSWER:

Respondent CLC has not yet identified all opinion witnesses it expects to call as witnesses in any hearing. Respondent CLC will supplement this response as required.

4. Identify all officers, employees, or agents of Respondent CLC who negotiated, solicited or arranged for financial assurance pursuant to the requirement of Permits No. 2000-155-LFM and 2000-156-LFM.

ANSWER:

R. Michael McDermont, Mark A. LaRose and Robert Pruiem.

5. For all financial assurance provided or maintained by Respondent CLC for the Morris Community Landfill from January 1, 2000 until the present, state:

- 1) The amount and type of financial assurance arranged for and/or maintained;
- 2) The dates that the financial assurance became effective and the dates on which the financial assurance was discontinued or cancelled;
- 3) The amount and type of financial assurance in place at the present [i.e. the date these interrogatories were served upon Respondent];
- 4) The fee(s) paid by Respondent CLC for financial assurance arranged for and/or maintained.

ANSWER:

1) Frontier Bond Nos:

158465	31 May 2000 - 31 May 2005	\$10,081,630.00
158466	31 May 2000 - 31 May 2005	5,906,016.00
91507	14 June 1996 - 14 June 2005	1,439,720.00

2) See above for effective dates.

3) See above for type of financial assurance.

4) Respondent CLC objects subpart (4) of this interrogatory as it is not relevant or calculated

to lead to the discovery of evidence relevant to the subject matter of this complaint.

6. Did any person, excepting Respondent CLC, arrange for and/or maintain financial assurance, as defined herein, related to permits 2000-155-LFM and 2000-156-LFM?

If so:

- 1) Identify the amount and type of financial assurance arranged for and/or maintained;
- 2) State the dates that the financial assurance became effective and the dates on which the financial assurance was discontinued or cancelled;
- 3) State the amount and type of financial assurance in place at the present [i.e. the date these interrogatories were served upon Respondent];
- 4) State the fee(s) paid by Respondent CLC for financial assurance arranged for and/or maintained by others.

ANSWER:

Yes. City of Morris, Morris City Council, Illinois Environmental Protection Agency, John Kim, Joyce Munie, John Taylor, Christine Roque, Frontier Insurance, Emerald Insurance Agency.

7. For each year from 2000 until the present, state the amount paid by Respondent CLC to the City of Morris for:

- a. Lease payments;
- b. Royalty payments;
- c. Reimbursement of surety bond expenses incurred by the City of Morris.

ANSWER:

Respondents object to this interrogatory as it is not relevant or calculated to lead to the discovery of evidence relevant to the subject matter of this complaint.

8. For each year from 2000 until the present, state the amount paid by CLC as bond premium for the Frontier Bonds, as herein defined.

ANSWER:

Respondents object to this interrogatory as it is not relevant or calculated to lead to the discovery of evidence relevant to the subject matter of this complaint.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Any and all documents relating to answers to the above interrogatories, and all documents identified in the course of answering the above interrogatories, and any and all documents consulted or reviewed in order to answer the above interrogatories.

ANSWER:

See attached documents produced pursuant to Complainant's Request for Production of Documents.

2. All correspondence and any and all documents relating to correspondence between Respondent CLC and any person which relate to proposals, quotes, costs, or applications for financial assurance for the Morris Community Landfill, from 1999 until the present.

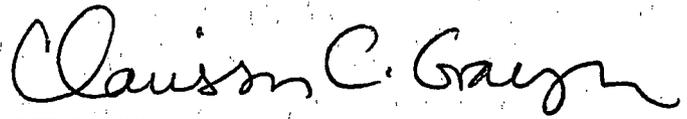
ANSWER:

Respondent CLC objects to this interrogatory as it is not relevant or calculated to lead to the discovery of evidence relevant to the subject matter of this complaint.

3. Any and all documents which Respondent will enter into evidence or otherwise use at hearing in this matter.

ANSWER:

Respondent CLC does not, at this time, have a complete list of documents to be used at hearing and will supplement this production request as required.



Attorney for Respondent
Community Landfill Company

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

VERIFICATION

I, Robert Pruim, being first duly sworn on oath, deposes and states as follows:

1. I am the President of Community Landfill Corporation;
2. I have read the foregoing Respondent Community Landfill Company's Answer to Complainant's First Set of Interrogatories and Request for the Production of Documents and state that the answers therein are true and correct to the best of my knowledge and belief.



Robert Pruim

SUBSCRIBED AND SWORN TO
before me this ^{3rd} day of
May, 2004.



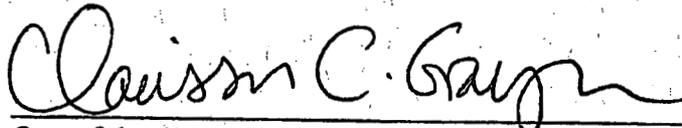
Kristi L. Jones
NOTARY PUBLIC

CERTIFICATE OF SERVICE

I, Clarissa C. Grayson, an attorney hereby certify that I served **RESPONDENT COMMUNITY LANDFILL COMPANY'S RESPONSE TO COMPLAINANT'S FIRST SET OF INTERROGATORIES AND REQUEST FOR THE PRODUCTION OF DOCUMENTS** by placing copies of same in the United States Mail, first-class postage prepaid this 11th day of June 2004, addressed as follows:

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

Mr. Charles Helsten
Hinshaw & Culbertson
100 Park Avenue
Rockford, IL 61105



One of the Attorneys for Community Landfill Co.

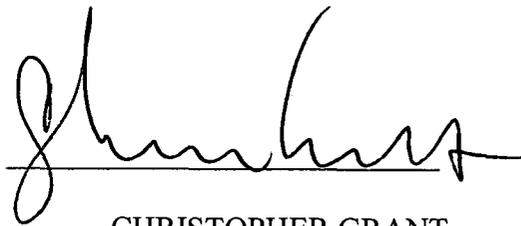
Mark A. LaRose
Clarissa C. Grayson
LaRose & Bosco, Ltd.
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 9th day of February, 2007, the foregoing Motion to Set Hearing Date or Alternatively for Severance of Claims, and Notice of Filing, upon the persons listed on said Notice by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago Illinois.



CHRISTOPHER GRANT