

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ORIGINAL

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DEC - 5 2003

STATE OF ILLINOIS  
*Pollution Control Board*

PEOPLE OF THE STATE OF ILLINOIS, )  
by LISA MADIGAN, Attorney )  
General of the State of Illinois, )  
Complainant, )  
vs. )  
COMMUNITY LANDFILL COMPANY, INC., )  
an Illinois corporation. )  
Respondent. )

PCB No. 97-193  
(Enforcement)

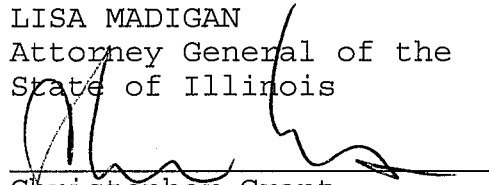
NOTICE OF FILING

PLEASE TAKE NOTICE that I have today, December 5, 2003, filed with the Clerk of the Illinois Pollution Control Board, Complainant's Motion to File Third Amended Complaint, a copy of which is attached and herewith served upon you.

Respectfully Submitted,

LISA MADIGAN  
Attorney General of the  
State of Illinois

By:

  
Christopher Grant  
Assistant Attorney General  
Environmental Bureau  
188 West Randolph, #2001  
Chicago, IL 60601  
312-814-5388

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STATE OF ILLINOIS  
Pollution Control Board

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

Complainant, )

vs. )

PCB No. 97-193

COMMUNITY LANDFILL COMPANY, INC., )  
an Illinois corporation. )

Respondent. )

MOTION TO FILE THIRD AMENDED COMPLAINT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and moves the Board for leave to file its Third Amended Complaint. In support thereof, Complainant states as follows:

1. At the scheduled November 25, 2003 status hearing in this matter, Complainant requested leave to file the instant motion.

2. Complainant filed its 22 Count Second Amended Complaint on November 24, 1999. On October 2, 2002, the Board issued its order granting partial summary judgment. Summary judgment was granted in favor of complainant and against Respondent Community Landfill Company on eleven counts, and in favor of Respondent on three counts. An additional seven counts are to be resolved at hearing, along with remedy/penalty issues.

3. Since the Board's grant of partial summary judgement, the parties have engaged in additional discovery. In addition,

on September 11, 2003 and October 29, 2003 respectively, Complainant deposed Respondent's environmental consultant, and the corporate representative of the Respondent.

4. Based on the additional information received since the Second Amended Complaint was filed, Complainant now seeks to file its Third Amended Complaint.

5. The proposed Third Amended Complaint consists of all eighteen counts still before the Board for determination on liability, penalty, or both. Complainant has not alleged any additional violations. A copy of the proposed Third Amended Complaint will be filed within seven days as a supplement to this Motion.

6. The proposed Third Amended Complaint adds two individuals as Respondents: Mr. Edward Pruim, and Mr. Robert Pruim. The individual respondents are owners and managers of Respondent Community Landfill Company. Complainant alleges that these individuals were personally involved in the day-to-day operation of the company, and participated in the alleged violations. Corporate officers may be held liable for violations of the Act, along with a corporation, where their active participation or personal involvement in the alleged violations is shown. People v. C.J.R. Processing Inc., 269 Ill. App. 3d 1013 (3d Dist. 1995).

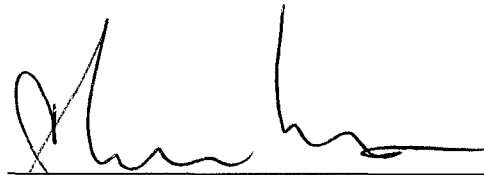
7. Complainant's amendment will not delay resolution of this matter. Aside from clarifying undisputed facts for hearing,

Complainant does not believe additional discovery will be required. Once the Amended pleadings are on file, Complainant will be ready for hearing.

WHEREFORE, Complainant moves for leave to file its Third Amended Complaint.

RESPECTFULLY SUBMITTED,

By:



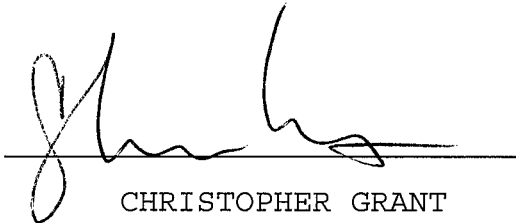
Christopher Grant  
Assistant Attorney General  
Environmental Bureau  
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(312) 814-5388

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
by LISA MADIGAN, Attorney General )  
of the State of Illinois, )  
Complainant, )  
vs. ) PCB No. 97-193  
COMMUNITY LANDFILL COMPANY, INC., )  
an Illinois corporation. )  
Respondent. )

**CERTIFICATE OF SERVICE**

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 5th day of December, 2003, Complainant's Motion to File Third Amended Complaint, and Notice of filing, upon the persons listed below by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago.

  
CHRISTOPHER GRANT

SERVICE LIST:

Mr. Mark Larose  
Ms. Clarissa Grayson  
Larose & Bosco, Ltd.  
734 N. Wells Street  
Chicago, IL 60610

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