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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois,	)	
Complainant,	)	
v.	)	PCB No. 04-207 (Enforcement)
EDWARD PRUIM, an individual, and ROBERT PRUIM, an individual,	)	
Respondents.	)	

NOTICE OF FILING

TO: Ms. Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, 11-500
Chicago, IL 60601

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

Mr. Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

PLEASE TAKE NOTICE that on January 4, 2005, we filed with the Clerk of the Illinois Pollution Control Board an original and nine copies of **RESPONDENT ROBERT PRUIM'S ANSWER TO COMPLAINT AND AFFIRMATIVE DEFENSES**, a copy of which is attached and herewith served upon you.

Clarissa C. Grayson

Attorney for Respondent

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THIS FILING IS SUBMITTED ON RECYCLED PAPER

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RESPONDENT ROBERT PRUIM'S ANSWER TO COMPLAINT AND AFFIRMATIVE DEFENSES

Respondent, ROBERT PRUIM, by and through his attorneys LaRose & Bosco, Ltd., hereby presents his Answer to Complaint and Affirmative Defenses and in support thereof, state as follows:

COUNT I
FAILURE TO ADEQUATELY MANAGE REFUSE AND LITTER

1. This count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion, pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2002).

ANSWER: Respondent, ROBERT PRUIM, admits that this Count was brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and pursuant to Section 31 of the Act.

2. Respondent EDWARD PRUIM is an Illinois resident.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations of Paragraph

2 of Count I of the Complaint.

3. Respondent ROBERT PRUIM is an Illinois resident.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations of Paragraph 3 of Count I of the Complaint.

4. At all times relevant to this Complaint, the Respondents managed, operated and co-owned Community Landfill Company ("CLC"), an Illinois corporation. CLC is the permitted operator of the Morris Community Landfill, 1501 Ashley Road, Morris, Grundy County, Illinois, ("landfill" or "site").

ANSWER: Respondent, ROBERT PRUIM, admits that he is a co-owner of Community Landfill Company ("CLC"), an Illinois Corporation. Respondent, ROBERT PRUIM, admits that CLC is the permitted operator of the Morris Community Landfill, 1501 Ashley Road, Morris, Grundy County, Illinois. Respondent, ROBERT PRUIM, denies the remaining allegations of Paragraph 4 of Count I of the Complaint.

5. The landfill consists of approximately 119 acres within the Northwest 1/4 of Section 2 of the Northeast 1/4 of Section 3, Township 33 North Range 7 East, and in the Southeast 1/4 of Section 34 and the Southwest 1/4 of Section 35, Township 34 North Range 7 East, Grundy County, Illinois.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations of Paragraph 5 of Count I of the Complaint.

6. The landfill is divided into two parcels, designated Parcel A and Parcel B.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations of Paragraph 6 of

Count I of the Complaint.

7. Parcel A is approximately 55 acres in size, and is currently accepting waste.

ANSWER: Respondent, ROBERT PRUIM, admits that Parcel A is approximately 55 acres in size and denies the remaining allegations of Paragraph 7 of Count I of the Complaint.

8. Parcel B is approximately 64 acres in size.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations of Paragraph 8 of Count I of the Complaint.

9. At all times relevant to the Complaint, Edward Pruim and Robert Pruim were responsible for, and did, sign and submit all permit applications and reports to the Illinois Environmental Protection Agency ("Illinois EPA") related to the landfill, jointly directed and managed CLC's landfill operations, caused and allowed the deposit of waste in the landfill, negotiated and arranged for surety bonds and letters of credit relating to the landfill, and were responsible for ensuring CLC's compliance with pertinent environmental laws and regulations.

ANSWER: Respondent, ROBERT PRUIM, denies the allegations of Paragraph 9 of Count I of the Complaint

10. Section 3.185 of the Act, 415 ILCS 5/3.185 (2002), provides the following definition:

> "DISPOSAL" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

ANSWER: Paragraph 10 of Count I of the Complaint states a legal conclusion to which

Respondent, ROBERT PRUIM, makes no answer.

11. Section 3.270 of the Act, 415 ILCS 5/3.270 (2002), provides the following definition:

> "LANDSCAPE WASTE" means all accumulations of grass or shrubbery, cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

ANSWER: Paragraph 11 of Count I of the Complaint states a legal conclusion to which

Respondent, ROBERT PRUIM, makes no answer.

12. Section 3.315 of the Act, 415 ILCS 5/3.315 (2002), provides the following definition:

> "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.

ANSWER: Paragraph 12 of Count I of the Complaint states a legal conclusion to which

Respondent, ROBERT PRUIM, makes no answer.

13. The Respondents are "person[s]" as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2002).

ANSWER: Paragraph 13 of Count I of the Complaint states a legal conclusion to which

Respondent, ROBERT PRUIM, makes no answer.

14. Section 3.445 of the Act, 415 ILCS 5/3.445 (2002), provides the following definition:

> "SANITARY LANDFILL" means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation.

ANSWER: Paragraph 14 of Count I of the Complaint states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

15. Section 3.535 of the Act, 415 ILCS 5/3.535 (2002), provides the following definition:

> "WASTE" means any garbage, sludge from a waste treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.94, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto.

ANSWER: Paragraph 15 of Count I of the Complaint states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

16. Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2002), provides, as follows:

> No person shall:
>
> * * *
>
> d. Conduct any waste-storage, waste treatment, or waste-treatment, or waste-disposal operation:
>
> * * *
>
> 2. In violation of any regulations or standards adopted by the Board under this Act; or
>
> * * *

ANSWER: Paragraph 16 of Count I of the Complaint states a legal conclusion to which

Respondent, ROBERT PRUIM, makes no answer.

17. On at least the following dates, the Illinois EPA conducted an inspection of the site: April 7, 1994, March 22, 1995, May 22, 1995, March 5, 1997, July 28, 1998, November 19, 1998, March 31, 1999, May 11, 1999 and July 20, 1999.

ANSWER: Respondent, ROBERT PRUIM, admits that the Agency conducted inspections on these dates.

18. During the April 7, 1994, inspection, litter was observed in the perimeter drainage ditch at the southwest portion of Parcel B and on the southwest slope of Parcel B.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 18 of Count I, and demands strict proof thereof.

19. During the March 22, 1995, inspection, the Illinois EPA inspector observed refuse in a perimeter ditch and in a retention pond at the landfill.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 19 of Count I, and demands strict proof thereof.

20. During the May 22, 1995, inspection, the Illinois EPA inspector observed refuse and litter in the perimeter ditches.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 20 of Count I, and demands strict proof thereof.

21. Also during the May 22, 1995, inspection, the Illinois EPA inspector observed three

eroded areas where leachate seeps had exposed previously covered refuse.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 21 of Count I, and demands strict proof thereof.

22. During the July 28, 1998 inspection, there was uncovered waste from previous operating days in Parcel A.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 22 of Count I, and demands strict proof thereof.

23. On November 19, 1998 and March 31, 1999, the landfill was accepting waste, and on March 31, 1999, there was uncovered refuse on Parcel B, and blowing uncovered litter on Parcel A.

ANSWER: Respondent, ROBERT PRUIM, admits that Parcel A was accepting waste in November 1998 and March 1999. Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the remaining allegations in Paragraph 23 of Count I, and demands strict proof thereof.

24. On May 11, 1999, the landfill was accepting waste, and there was uncovered waste at the site.

ANSWER: Respondent, ROBERT PRUIM, admits that Parcel A was accepting waste in May 1999. Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the remaining allegations in

Paragraph 24 of Count I, and demands strict proof thereof.

25. On July 20, 1999, the landfill was accepting waste in Parcel A, and there was uncovered refuse on Parcel B.

ANSWER: Respondent, ROBERT PRUIM, admits that Parcel A was accepting waste in July 1999. Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 25 of Count I, and demands strict proof thereof.

26. Section 21(o) of the Act, 415 ILCS 5/21(o) (2002), provides, in pertinent part, as follows:

> No person shall:
>
> * * *
>
> o. Conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section in a manner which results in any of the following conditions:
>
> 1. refuse in standing or flowing waters;
>
> * * *
>
> 5. uncovered refuse remaining from any previous operating day or at the conclusion of any operation day, unless authorized by permit;
>
> * * *
>
> 12. failure to collect and contain litter from the site by the end of each operating day.

ANSWER: Paragraph 26 states a legal conclusion to which Respondent, ROBERT

PRUIM, makes no answer.

27. Section 807.306 of the Illinois Pollution Control Board's ("Board's") Waste Disposal Regulations, 35 Ill. Adm. Code 807.306, provides, as follows:

> All litter shall be collected from the sanitary landfill site by the end of each working day and either placed in the fill and compacted and covered that day, or stored in a covered container.

ANSWER: Paragraph 27 states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

28. Litter and refuse are waste as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2002).

ANSWER: Paragraph 28 states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

29. The site is a sanitary landfill that requires a permit under Section 21(d) of the Act, 415 ILCS 5/21 (d)(2002).

ANSWER: Respondent, ROBERT PRUIM, admits the allegations contained in Paragraph 29 of Count I of the Complaint.

30. By failing to remove, or cause employees to remove refuse in perimeter ditches and the retention pond on March 22, 1995, and by allowing refuse to remain in perimeter ditches on May 22, 1995, the Respondents have violated Section 21(o)(1) of the Act, 415 ILCS 5/21 (o)(1) (2002).

ANSWER: Respondent, ROBERT PRUIM, denies the allegations contained in Paragraph 30 of Count I of the Complaint.

31. By allowing leachate seeps to erode areas of the landfill and expose previously covered refuse, at least on May 22, 1995, the Respondents have violated Section 21 (o)(5) of the Act,

415 ILCS 5/21 (o)(5) (2002).

ANSWER: Respondent, ROBERT PRUIM, denies the allegations contained in Paragraph 31 of Count I of the Complaint.

32. By allowing litter and refuse to remain exposed, uncontained, and uncovered, around various areas of the site on April 7, 1994, March 22, 1995, May 22, 1995, July 28, 1998, March 31, 1999, May 11, 1999 and July 20, 1999, the Respondents violated Sections 21(o)(5) and (12) of the Act, 415 ILCS 5/21(o)(5) and (12) (2002), and Section 807.306 of the Board Waste Disposal Regulations, 35Ill. Adm. Code 807.306, and thereby also violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2002).

ANSWER: Respondent, ROBERT PRUIM, denies the allegations contained in Paragraph 32 of Count I of the Complaint.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count I as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count I;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Sections 21(d)(2), 21(o)(1), (5), and (12), and 35 Ill. Adm. Code 807.306;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any

provisions of the law cited by the Complainant in Count I, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT II
FAILURE TO PREVENT OR CONTROL LEACHATE FLOW

1-17. Complainant realleges and incorporates by reference herein paragraphs 1 through 17 of Count I as paragraphs 1 through 17 of this Count II as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraph 1 through 17 of Count I as Paragraphs 1 through 17 of this Count II as if fully set forth herein.

18. During the April 7, 1994, inspection, the Illinois EPA inspector observed five leachate seeps along the northwest perimeter of Parcel B.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 18 of Count II, and demands strict proof thereof.

19. During the March 22, 1995, inspection, the Illinois EPA inspector observed numerous leachate seeps at the northwest perimeter of the landfill.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 19 of Count II, and demands strict proof thereof.

20. During the May 22, 1995, inspection, the Illinois EPA inspector observed numerous leachate seeps along the north slope of the landfill and in the north perimeter ditch which eventually drains into the Illinois River.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 20 of Count II, and demands strict proof thereof.

21. Section 21(o) of the Act, 415 ILCS 5/21(o) (2002), provides, in pertinent part, as follows:

> No person shall:
>
> * * *
>
> o. Conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section, in a manner which results in any of the following

conditions:

* * * .

2. leachate flows entering waters of the State;

3. leachate flows exiting the landfill confines (as determined by the boundaries established for the landfill by a permit issued by the Agency);

* * *

ANSWER: Paragraph 21 of Count II states a legal conclusion to which ROBERT PRUIM makes no answer.

22. Section 807.314(e) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.314(e), provides as follows:

> Except as otherwise authorized in writing by the Agency, no person shall cause or allow the development or operation of a sanitary landfill which does not provide:
>
> * * *
>
> e) Adequate measures to monitor and control leachate;

ANSWER: Paragraph 22 of Count II states a legal conclusion to which ROBERT PRUIM makes no answer.

23. Section 3.550 of the Act, 415 ILCS 5/3.550 (2002), contains the following definition:

> "WATERS" means all accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon the State.

ANSWER: Paragraph 23 of Count II states a legal conclusion to which ROBERT PRUIM

makes no answer.

24. The Illinois River is a "water" of the State of Illinois, as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2002).

ANSWER: Paragraph 24 of Count II states a legal conclusion to which ROBERT PRUIM makes no answer.

25. The Respondents failed to take sufficient action, or direct their employees to take sufficient action, to prevent leachate seeps from exiting the landfill.

ANSWER: Respondent, ROBERT PRUIM, denies the allegations of Paragraph 25 of Count II of the Complaint.

26. By allowing leachate seeps to exit the landfill boundaries and enter waters of the State, and by failing to control leachate flow, the Respondents have violated Sections 21(d)(2), and 21(o)(2) and (3) of the Act, 415 ILCS 5/21(d)(2) and 21(o)(2) and (3) (2002), and Section 807.314(e) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.314(e).

ANSWER: Respondent, ROBERT PRUIM, denies the allegations of Paragraph 26 of Count II of the Complaint.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count II as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count II;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Sections

21(d)(2), 21(o)(2) and (3), and 35 Ill. Adm. Code 807.314(e);

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count II, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT III
FAILURE TO PROPERLY DISPOSE OF LANDSCAPE WASTE

1-16. Complainant realleges and incorporates by reference herein paragraphs 1 through 16

of Count I as paragraphs 1 through 16 of this Count III as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraph 1 through 16 of Count I as paragraphs 1 through 16 of this Count III as if fully set forth herein.

17. Section 22.22(c) of the Act, 415 ILCS 5/22.22(c) (2002), provides as follows:

> c. Beginning July 1, 1990, no owner or operator of a sanitary landfill shall accept landscape waste for final disposal, except that landscape waste separated from municipal waste may be accepted by a sanitary landfill if (1) the landfill provides and maintains for that purpose separate landscape waste composting facilities and composts all landscape waste, and (2) the composted waste is utilized, by the operators of the landfill or by any other person, as part of the final vegetative cover for the landfill or such other uses as soil conditioning material.

ANSWER: Paragraph 17 of Count III of the Complaint states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

18. On August 18, 1993 and April 7, 1994, the Illinois EPA conducted inspections of the site. During these inspections, the Illinois EPA inspector observed that the landscape waste had been deposited in the landfill area.

ANSWER: Respondent, ROBERT PRUIM, admits that the Agency conducted inspections on these dates. Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the remaining allegations in Paragraph 18 of Count III, and demands strict proof thereof.

19. On July 28, 1998, the Respondents were causing and allowing the landfilling of landscape waste at the site in Parcel A.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 19 of Count III, and demands strict proof thereof.

20. By causing and allowing the landfilling of landscape waste, the Respondents violated Section 22.22(c) of the Act, 415 ILCS 5/22.22(c) (2002).

ANSWER: Respondent, ROBERT PRUIM, denies the allegations of Paragraph 20 of Count III of the Complaint.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count III as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count III;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Sections 22.22 (c) of the Act;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count III, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT IV
FAILURE TO PROVIDE AND MAINTAIN ADEQUATE FINANCIAL ASSURANCE PURSUANT TO THE APRIL 20, 1993 PERMIT

1-16. Complainant realleges and incorporates by reference herein paragraphs 1 through 16 of Count I as paragraphs 1 through 16 of this Count IV as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to paragraphs 1 through 16 of Count I as paragraphs 1 through 16 of this Count IV as if fully set forth herein.

17. Section 21.1(a) of the Act, 415 ILCS 5/21.1(a) (2002), provides as follows:

> a. Except as provided in subsection (a.5) no person other than the State of Illinois, its agencies and institutions, or a unit of local government shall conduct any waste disposal operation on or after March 1, 1985, which requires a permit under subsection (d) of Section 21 of

this Act, unless such person has posted with the Agency a performance bond or other security for the purpose of insuring closure of the site and post-closure care in accordance with this Act and regulations adopted thereunder.

ANSWER: Paragraph 17 of Count IV states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

18. Section 807.601(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.601(a), states as follows:

> No person shall conduct a waste disposal operation or indefinite storage operation which requires a permit under Section 21(d) of the Act unless such person has provided financial assurance in accordance with this Subpart.
>
> a) The financial assurance requirement does not apply to the State of Illinois, its agencies and institutions, or to any unit of local government; provided, however, that any other persons who conduct such a waste disposal operation on a site which may be owned or operated by such a government entity must provide financial assurance for closure and post-closure care of the site.

ANSWER: Paragraph 1 of Count IV states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

19. Section 807.603(b)(1) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.603(b)(1), provides as follows:

> b) The operator must increase the total amount of financial assurance so as to equal the current cost estimate within 90 days after any of the following:
>
> 1) An increase in the current cost estimate;

* * *

ANSWER: Paragraph 19 of Count IV states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

20. Item 3 of CLC's supplemental permit dated April 20, 1993, provided that financial assurance was to be maintained in an amount equal to $1,342,500.00.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations contained in Paragraph 20 of Count IV of the Complaint.

21. Item 3 of CLC's supplemental permit dated April 20, 1993, approved the Respondents' current cost estimate for $1,342,500.00.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations contained in Paragraph 21 of Count IV of the Complaint.

22. Respondents Edward Pruim and Robert Pruim failed to arrange financing and increase the total amount of CLC's financial assurance to $1,342,500.00, within 90 days after the Agency approved its cost estimate on April 20, 1993.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations contained in Paragraph 22 of Count IV of the Complaint.

23. Respondents arranged for and provided a performance bond for CLC on June 20, 1996.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations contained in Paragraph 23 of Count IV of the Complaint.

24. By continuing to allow acceptance of waste a the Site from July 13, 1993 until June 20, 1996, and by failing to provide adequate financial assurance, the Respondents violated Section 21.1(a) of the Act, 415 ILCS 5/21.1(a) (2002), and Section 807.601(a) of the Board's Waste Disposal

Regulations, 35 Ill. Adm. Code 807.601(a).

ANSWER: Respondent, ROBERT PRUIM, denies the allegations of Paragraph 24 of Count IV of the Complaint.

25. By failing to adequately increase the financial assurance amount by July 19, 1993 (90 days after the Agency approved its cost estimate on April 20, 1993), the Respondents have violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2002), and Section 807.603(b)(1) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 807.603(b)(1).

ANSWER: Respondent, ROBERT PRUIM, denies the allegations of Paragraph 25 of Count IV of the Complaint.

26. Respondents caused and allowed CLC to be out of compliance with Section 21.1(a) of the Act, 415 ILCS. 5/21.1(a)(2002), 35 Ill. Adm. Code 807.601(a) and 807.603(b)(1) from July 19, 1993 until June 20, 1996.

ANSWER: Respondent, ROBERT PRUIM, denies the allegations of Paragraph 26 of Count IV of the Complaint.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count IV as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count IV;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Sections 21 (d)(2) and 21.1 (a) of the Act and 35 Ill. Adm. Code Sections 807.601(a) and

807.603(b)(1);

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count IV, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT V
FAILURE TO TIMELY FILE THE REQUIRED APPLICATION FOR A SIGNIFICANT MODIFICATION

1-16. Complainant realleges and incorporates by reference herein paragraphs 1 though 16

of Count I as paragraphs 1 through 16 of this Count V as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein Paragraphs 1 through 16 of Count I as Paragraphs 1 through 16 of this Count V as if fully set forth herein.

17. Section 814.104 of Board's Waste Disposal Regulations, 35 Ill. Adm. Code 814.104, provides as follows:

> a. All owners or operators of landfills permitted pursuant to Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(d) [415 ILCS 5/21(d)] shall file an application for a significant modification to their permits for existing units, unless the units will be closed pursuant to Subpart E within two years of the effective date of this Part.
>
> b. The owner or operator of an existing unit shall submit information required by 35 Ill. Adm. Code 812 to demonstrate compliance with Subpart B, Subpart C or Subpart D of this Part, whichever is applicable.
>
> c. The application shall be filed within 48 months of the effective date of this Part, or at such earlier time as the Agency shall specify in writing pursuant to 35 Ill. Adm. Code 807.209 or 813.201(b).
>
> d. The application shall be made pursuant to the procedures of 35 Ill. Adm. Code 813.

ANSWER: Paragraph 17 of Count V states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

18. The Respondents failed to cause CLC to file the required significant modification for Parcel B by June 15, 1993.

ANSWER: Respondent, ROBERT PRUIM, admits that CLC did not file a Significant

Modification application by June 15, 1993 but denies the remaining allegations contained in Paragraph 18 of Count V of the Complaint.

19. The Respondents finally filed CLC's significant modification on August 5, 1996, pursuant to a prospective variance issued by the Board.

ANSWER: Respondent, ROBERT PRUIM, admits that CLC filed the required Significant Modification for Parcel B on August 5, 1996. Further Respondent, ROBERT PRUIM, states that CLC was allowed to file same on August 5, 1996 pursuant to the Appellate Court Order in Community Landfill Company v. Illinois Environmental Protection Agency and Illinois Pollution Control Board, No. 3-96-0182 (June 17, 1996).

20. By failing to file CLC's required significant modification for Parcel B by June 15, 1993, the Respondents have violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2002), and Section 814.104 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 814.104.

ANSWER: Respondent, ROBERT PRUIM, denies the allegations of Paragraph 20 of Count V of the Complaint.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count V as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count V;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Sections

21 (2)(2) of the Act and 814.104 of the Board's Waste Disposal Regulations;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count V, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT VI
WATER POLLUTION

1-21. Complainant realleges and incorporates by reference herein, paragraphs 1 through 21

of Count I as paragraphs 1 through 21 of this Count VI as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraphs 1 through 21 of Count I as Paragraphs 1 through 21 of this Count VI as if fully set forth herein.

22. During May 22, 1995, inspection, the Illinois EPA inspector observed leachate in the north perimeter ditch, which eventually drains into the Illinois River.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 22 of Count VI, and demands strict proof thereof.

23. Section 12(a) of the Act, 415 ILCS 5/12(a) (2002), provides as follows:

No person shall:

a. Cause or threaten or allow the discharge of any contaminants in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act;

ANSWER: Paragraph 23 of Count VI contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

24. Section 807.313 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.313, provides as follows:

> No person shall cause or allow operation of a sanitary landfill so as to cause or threaten or allow the discharge of any contamination into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under the Act.

ANSWER: Paragraph 24 of Count VI contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

25. Section 3.165 of the Act, 415 ILCS 5/3.165 (2002), defines "contaminant" as "any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source."

ANSWER: Paragraph 25 of Count VI contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

26. The leachate the Illinois EPA inspector observed in the north perimeter ditch is a contaminant as that term is defined at Section 3.165 of the Act, 415 ILCS 5/3.165 (2002).

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 26 of Count VI, and demands strict proof thereof.

27. Section 3.550 of the Act, 416 ILCS 5/3.550 (2002), defines waters as "all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through or border upon this State."

ANSWER: Paragraph 27 of Count VI states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

28. The Illinois River into which leachate from the north perimeter ditch located on the site eventually drains, is a water of the state of Illinois as that term is defined at Section 3.550 of the Act, 415 ILCS 5/3.550 (2002).

ANSWER: Paragraph 28 of Count VI contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

29. Section 3.545 of the Act, 415 ILCS 5/3.545 (2002), defines "water pollution" as

follows:

> "Water pollution" is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses", or to livestock, wild animals, birds, fish, or other aquatic life.

ANSWER: Paragraph 29 of Count VI of the Complaint states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

30. Causing or allowing leachate, a contaminant, to flow into the north perimeter ditch which eventually drains or discharges into the Illinois River constitutes water pollution as that term is defined at Section 3.545 of the Act, 415 ILCS 5/3.545 (2002).

ANSWER: Respondent, ROBERT PRUIM, denies that CLC or he caused or allowed water pollution.

31. The Respondents failed to take sufficient action, or direct their employees to take sufficient action, to prevent leachate from flowing off-Site to the Illinois River. By allowing leachate to flow off-site to the Illinois River, the Respondents have violated Sections 12(a) and 21(d)(2) of the Act, 415 ILCS 5/12(a) and 21(d)(2) (2002), and Section 807.313 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.313.

ANSWER: Respondent, ROBERT PRUIM, denies the allegations of Paragraph 31 of Count VI of the Complaint.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count VI as

follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count VI;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Sections 12(a) and 21(b)(2) of the Act and 35 Ill. Adm. Code 807.313;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count VI, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT VII
DEPOSITING WASTE IN UNPERMITTED PORTIONS OF A LANDFILL

1-15. Complainant realleges and incorporates by reference herein, paragraphs 1 through 15 of Count I as paragraphs 1 through15 of this Count VII as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein Paragraphs 1 through 15 of Count I as Paragraphs 1 through 15 of this Count VII as if fully set forth herein.

16. On June 5, 1989, supplemental development permit number 1989-005-SP was issued to CLC for the vertical expansion of Parcel A and Parcel B.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations of Paragraph 16 of Count VII of the Complaint.

17. Supplemental developmental permit number 1989-005-SP, specifically incorporated, as part of said permit, the final plans, specifications, application and supporting documents that were submitted by the Respondents and approved by the Illinois EPA.

ANSWER: Respondent, ROBERT PRUIM, admits that supplemental developmental permit number 1989-005-SP was submitted. Respondent denies the remaining allegations in Paragraph 17 of Count VII of the Complaint.

18. The Respondents' supplemental development permit application, incorporated as part of supplemental development permit number 1989-005-SP, provides the maximum elevation for the landfill as 580 feet above mean sea level.

ANSWER: Respondent, ROBERT PRUIM, admits that supplemental development permit

number 1989-005-SP provides the maximum elevation for the landfill as 580 feet above mean sea level. Respondent denies the remaining allegations in Paragraph 18 of Count VII of the Complaint.

19. Respondents, who managed and controlled the deposit of waste at the landfill, were therefore required not to allow the landfill elevation to exceed 580 feet above mean sea level.

ANSWER: Respondent, ROBERT PRUIM, denies the allegations of Paragraph 19 of Count VII of the Complaint.

20. On or about January 17, 1995, the Respondents submitted a Solid Waste Capacity Certification to Illinois EPA, signed by Respondent Edward Pruim, reporting that there was no remaining capacity in Parcel B as of January 1, 1995.

ANSWER: Respondent, ROBERT PRUIM, admits that CLC submitted a Solid Waste Capacity Certification to Illinois EPA and states that the application speaks for itself. Respondent, ROBERT PRUIM, denies the remaining allegations of Paragraph 20 of Count VII of the Complaint.

21. Despite having reported no remaining capacity in Parcel B at the site, the Respondents continued to cause and allow the deposit of waste in Parcel B after January 1, 1995.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 21 of Count VII, and demands strict proof thereof.

22. On or about January 15, 1996, the Respondents submitted a Solid Waste Landfill Capacity Certification to Illinois EPA, signed by Respondent Robert Pruim, reporting that the Respondents had received over 540,000 cubic yards for deposit in Parcel B between January 1, 1995

and December 31, 1995.

ANSWER: Respondent, ROBERT PRUIM, admits that CLC submitted a Solid Waste Landfill Capacity Certification to the Illinois EPA and states that the certification speaks for itself. Respondent, ROBERT PRUIM, denies the remaining allegations of Paragraph 20 of Count VII of the Complaint.

23. On August 5, 1996, the Respondents caused CLC to file with the Illinois EPA, an application for significant modification of parcel B. The application contained a map which shows the current condition of parcel B.

ANSWER: Respondent, ROBERT PRUIM, admits that CLC filed an application for significant modification of Parcel B on August 5, 1996 and states that the applications speaks for itself. Respondent, ROBERT PRUIM, denies the remaining allegations of Paragraph 23 of Count VII of the Complaint.

24. The map referenced in paragraph 23 above, shows the current elevation for parcel B to be at least 590 feet above mean sea level, a ten feet increase over the permitted elevation.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 24 of Count VII, and demands strict proof thereof.

25. On April 30, 1997, the Respondents caused CLC to submit to the Illinois EPA, a document titled: "ADDENDUM TO THE APPLICATION FOR SIGNIFICANT MODIFICATION TO PERMIT MORRIS COMMUNITY LANDFILL - PARCEL B." The information contained therein showed, that in excess of 475,000 cubic yards of waste was disposed of above the permitted landfill height of 580 feet above mean sea level.

ANSWER: Respondent, ROBERT PRUIM, admits that CLC submitted a document to the Illinois EPA titled "Addendum to the Application for Significant Modification to Permit Morris Community Landfill - Parcel B" and states that the document speaks for itself. Respondent, ROBERT PRUIM, denies the remaining allegations of Paragraph 25 of Count VII of the Complaint.

26. On information and belief, to the date of filing this amended complaint, portions of Parcel B continue to exceed 580 feet above mean sea level.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 26 of Count VII, and demands strict proof thereof.

27. Section 21(o)(9) of the Act, 415 ILCS 5/21(o)(9) (2002), provides as follows:

> No person shall:
>
> Conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section, in a manner which results in any of the following conditions:
>
> 9. deposition of refuse in any unpermitted portion of the landfill.

ANSWER: Paragraph 27 of Count VII of the Complaint states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

28. Refuse is a waste as that term is defined at Section 3.535 of the Act, 415 ILCS 5/3.535 (2002).

ANSWER: Paragraph 28 of Count VII of the Complaint states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

29. On and before August 5, 1996, or a date better known to Respondents, and continuing until the filing of this Amended Complaint herein, the Respondents caused and allowed the deposit of refuse in unpermitted portions of parcel B.

ANSWER: Respondent, ROBERT PRUIM, is without sufficient knowledge to admit or deny the allegations contained in Paragraph 29 of Count VII of the Complaint. Further answering, Respondent, ROBERT PRUIM, states if refuse was deposited in unpermitted portions of Parcel B, same was done so without any specific knowledge or intent.

30. By causing and allowing the deposit of refuse or waste in portions of parcel B above its permitted elevation, the Respondents violated Section 21(o)(9) of the Act, 415 ILCS 5/21(o)(9) (2002).

ANSWER: Respondent, ROBERT PRUIM, is without sufficient knowledge to admit or deny the allegations contained in Paragraph 30 of Count VII of the Complaint. Further answering, Respondent, ROBERT PRUIM, states if refuse was deposited in unpermitted portions of Parcel B, same was done so without any specific knowledge or intent.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count VII as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count VII;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Section 21(o) of the Act;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count VII, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT VIII
CONDUCTING A WASTE DISPOSAL OPERATION WITHOUT A PERMIT

1-26. Complainant realleges and incorporates by reference herein paragraphs 1 through 26 of Count VII as paragraphs 1 through 26 of this Count VIII as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraphs 1 through 26 of Count I as Paragraphs 1 through 26 of this Count VIII as if fully set forth herein.

27. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002), provides as follows:

> No person shall:
>
> Conduct any waste-storage, waste-treatment, or waste-disposal operation:
>
> 1. without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to ensure compliance with this Act, and with regulations and standards adopted thereunder. . . .

ANSWER: Paragraph 27 of Count VIII of the Complaint states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

28. Refuse is waste as that term is defined at Section 3.535 of the Act, 415 ILCS 5/3.535 (2002).

ANSWER: Paragraph 28 of Count VIII of the Complaint states a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

29. By causing or allowing refuse or waste to be deposited in Parcel B at the landfill above the permitted elevation of 580 feet above mean sea level, unpermitted areas of the landfill, the

Respondents conducted a waste-storage or waste-disposal operation.

ANSWER: Respondent, ROBERT PRUIM, is without sufficient knowledge to admit or deny the allegations contained in Paragraph 29 of Count VIII of the Complaint. Further answering, Respondent, ROBERT PRUIM, states if refuse was deposited in unpermitted portions of Parcel B, same was done so without any specific knowledge or intent.

30. Neither the Respondents nor CLC have a permit for the disposal of waste above an elevation of 580 feet above mean sea level.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations of Paragraph 30 of Count VIII of the Complaint.

31. Since at least August 5, 1996, or a date better known to the Respondents, and continuing until the filing of this Amended Complaint, the Respondents have caused and allowed the deposition of waste in unpermitted portions of Parcel B of the landfill in violation of Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002).

ANSWER: Respondent, ROBERT PRUIM, is without sufficient knowledge to admit or deny the allegations contained in Paragraph 31 of Count VIII of the Complaint. Further answering, Respondent, ROBERT PRUIM, states if refuse was deposited in unpermitted portions of Parcel B, same was done so without any specific knowledge or intent.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count VIII as

follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count VIII;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Section 21(d)(1) of the Act;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count VIII, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT IX
OPEN DUMPING

1-26. Complainant realleges and incorporates by reference herein paragraphs 1 through 26 of Count VII as paragraphs 1 through 26 of this Count IX as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraphs 1 through 26 Count VII as Paragraphs 1 through 26 of this Count IX as if fully set forth herein.

27. Section 21(a) of the Act, 415 ILCS 5/21(a) (2002), provides as follows:

No person shall:

a. Cause or allow the open dumping of any waste.

ANSWER: Paragraph 27 of Count IX of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

28. Section 3.305 of the Act, 415 ILCS 5/3.305 (2002), provides the following definition:

> "OPEN DUMPING" means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

ANSWER: Paragraph 28 of Count IX of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

29. Sections 3.385 and 3.460 of the Act, 415 ILCS 5/3.385, 3.460 (2002), provides the following definitions, respectively:

> "REFUSE" means waste.
>
> "SITE" means any location, place, tract of land, and facilities, including, but not limited to building, and improvements used for

purposes subject to regulation or control by this Act or regulations thereunder.

ANSWER: Paragraph 29 of Count IX of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

30. The landfill is a "disposal site" as those terms are defined in the Act.

ANSWER: Paragraph 30 of Count IX of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

31. Since at least August 5, 1996, or a date better known to the Respondents, the Respondents caused or allowed the consolidation of refuse at the site, above the permitted elevation of 580 feet above mean sea level.

ANSWER: Respondent, ROBERT PRUIM, is without sufficient knowledge to admit or deny the allegations contained in Paragraph 31 of Count IX of the Complaint. Further answering, if refuse was consolidated at the site above the permitted elevation of 580 feet above mean sea level, same was done so without any specific knowledge or intent.

32. The consolidation of refuse at the site on Parcel B above the permitted elevation of 580 feet above mean sea level, disposal areas that do not fulfill the requirements of a sanitary landfill, constitutes "open dumping" as that term is defined in Section 3.24 of the Act, 415 ILCS 5/3.24 (2002).

ANSWER: Paragraph 32 of Count IX of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

33. The Respondents, by their conduct as described herein, have violated Section 21 (a)

of the Act, 415 ILCS 5/21(a) (2002).

ANSWER: Respondent, ROBERT PRUIM, is without sufficient knowledge to admit or deny the allegations contained in Paragraph 33 of Count IX of the Complaint.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count IX as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count IX;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Section 21(a) of the Act;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count IX, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or

substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT X
VIOLATION OF STANDARD CONDITION 3

1-26. Complainant realleges and incorporates by reference herein, paragraphs 1 through 26 of Count VII as paragraphs 1 through 26 of this Count X as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraphs 1 through 26 of Count VII as Paragraphs 1 through 26 of this Count X as if fully set forth herein.

27. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002), provides as follows:

No person shall:

Conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to ensure compliance with this Act, and with regulations and standards adopted thereunder. . . .

ANSWER: Paragraph 27 of Count X of the Complaint contains a legal conclusion to which

Respondent, ROBERT PRUIM, makes no answer.

28. Refuse is waste as that term is defined at Section 3.535 of the Act, 415 ILCS 5/3.535 (2002).

ANSWER: Paragraph 28 of Count X of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

29. Standard condition number 3 of supplemental development permit number 1989-005-SP which was issued to CLC on June 5, 1989, provides as follows:

> There shall be no deviation from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 29 of Count X of the Complaint.

30. Standard condition number 3 of supplemental development permit number 1989-005-SP, required the Respondents to obtain a supplemental permit for CLC in order to increase landfill elevation above 580 feet above mean sea level.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 30 of Count X of the Complaint.

31. Since at least August 5, 1996, or a date better known to the Respondents, and continuing until the filing of this Complaint, the Respondents failed to obtain a supplemental permit for CLC to increase the permitted elevation of the landfill before deposition waste therein, above 580 feet above mean sea level.

ANSWER: Respondent, ROBERT PRUIM, is without sufficient knowledge to admit or

deny the allegations contained in Paragraph 31 of Count X of the Complaint. Further answering, ROBERT PRUIM states that if a supplemental permit to increase the elevation of the landfill was not obtained, same was done so without any specific knowledge or intent.

32. The Respondents, by their conduct as described herein, violated standard condition number 3 of supplemental development permit number 1989-005-SP, and thereby, also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1).

ANSWER: Respondent, ROBERT PRUIM, is without sufficient knowledge to admit or deny the allegations contained in Paragraph 32 of Count X of the Complaint. Further answering, ROBERT PRUIM states that if a supplemental permit to increase the elevation of the landfill was not obtained, same was done so without any specific knowledge or intent.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count X as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count X;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Section 21(d)(1) of the Act and standard condition number 3 of permit number 1989-005-SP;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count X, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT XI
CONDUCTING A WASTE DISPOSAL OPERATION WITHOUT A PERMIT

Count XI was Dismissed by the Illinois Pollution Control Board pursuant to its order of November 4, 2004 and therefore requires no answer by Respondent, ROBERT PRUIM.

COUNT XII
IMPROPER DISPOSAL OF USED TIRES

1-15. Complainant realleges and incorporates by reference herein, paragraphs 1 through 10,

paragraphs 12 through 15, and paragraph 17, of Count I as paragraphs 1 through 15 of this Count XII as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraphs 1 through 10, Paragraphs 12 through 15, and Paragraph 17, of Count I as Paragraphs 1 through 15 of this Count XII as if fully set forth herein.

16. Section 55 (b-1) of the Act, 415 ILCS 5/55 (b-1) (2002), provides, in pertinent part, as follows:

> b-1 Beginning January 1, 1995, no person shall knowingly mix any used or waste tire, either whole or cut, with municipal waste, and no owner or operator of a sanitary landfill shall accept any used or waste tire for final disposal; except that used or waste tires, when separated from other waste, may be accepted if: (1) the sanitary landfill provides and maintains a means for shredding, slitting, or chopping whole tires and so treats whole tires and, if approved by the Agency in a permit issued under this Act, uses the used or waste tires for alternative uses, which may included on-site practices such as lining of roadways with tire scraps, alternative daily cover, or use in a leachate collection system or (2) the sanitary landfill, by its notification to the Illinois Industrial Materials Exchange Service, makes available the used or waste tires to an appropriate facility for reuse, reprocessing, or converting, including use as an alternative energy fuel.

ANSWER: Paragraph 16 of Count XII of this Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

17. On July 28, 1998, the Respondents were allowing the mixing of waste tires with municipal waste and placement of the mixed waste in the active area of Parcel A of the landfill for

disposal.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 17 of Count XII, and demands strict proof thereof.

18. By the actions described herein, Respondents have violated Section 55(b-1) of the Act.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 18 of Count XII, and demands strict proof thereof.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count XII as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count XII;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Section 55(b-1) of the Act;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count XII, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT XIII
VIOLATION OF PERMIT CONDITION

1-22. Complainant realleges and incorporates by reference herein, paragraphs 1 through 22 of Count I as paragraphs 1 through 22 of this Count XIII, as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraphs 1 through 22 of Count I as Paragraphs 1 though 22 of this Count XIII as if fully set forth herein.

23. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002), provides as follows:

No person shall:

Conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to ensure compliance with this Act, and with regulations and standards adopted thereunder. . . .

ANSWER: Paragraph 23 of Count XIII of this Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

24. Refuse is waste as that term is defined at Section 3.535 of the Act, 415 ILCS 5/3.535 (2002).

ANSWER: Paragraph 24 of Count XIII of this Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

25. Special condition number 13 of supplemental development permit number 1989-005-SP which was issued to Respondent CLC on June 5, 1989, provides as follows:

> Movable, temporary fencing will be used to prevent blowing litter, when the refuse fill is at a higher elevation than the natural ground line.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 25 of Count XIII of this Complaint.

25. Special condition number 13 of CLC's supplemental development permit number 1989-005-SP, required the Respondents to utilize movable fencing to prevent blowing litter when the refuse fill is at a higher elevation than the natural ground line.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 25 of Count XIII of this Complaint.

26. On March 31, 1999, a windy day, no movable fencing was present, even though the

fill was at a higher elevation than the natural ground line, and litter was blowing all over the landfill.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 26 of Count XIII, and demands strict proof thereof.

27. The Respondents, by their acts and omissions as described herein, caused and allowed violations of special condition number 13 of CLC's supplemental development permit number 1989-005-SP, and thereby, violates Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002).

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 27 of Count XIII, and demands strict proof thereof.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count XIII as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count XIII;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Section 21(d)(1) of the Act and special condition number 13 of permit number 1989-005-SP;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count XIII, to assess a nominal

penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT XIV
VIOLATION OF PERMIT CONDITION

1-23. Complainant realleges and incorporates by reference herein, paragraphs 1 through 23 of Count I as paragraphs 1 through 23 of this Count XIV as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraphs 1 through 23 of Count I as Paragraphs 1 through 23 of this Count XIV as if fully set forth herein.

24. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002), provides as follows:

No person shall:

Conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to ensure compliance with this Act, and with regulations and standards adopted thereunder. . . .

ANSWER: Paragraph 24 of Count XIV of this Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

25. Refuse is waste as that term is defined at Section 3.535 of the Act, 415 ILCS 5/3.535 (2002).

ANSWER: Paragraph 25 of Count XIV of this Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

26. Special condition number 1 of supplemental development permit number 1996-240-SP which was issued to Respondent CLC on October 24, 1996, provides as follows:

This permit allows the development and construction of an active gas management system and a gas flare. Prior to operation of the gas control facility, the applicant shall provide to the Agency the following information, certified by a registered professional engineer.

a.) "as built" construction plans;
b) boring logs for the gas extraction wells;
c) any changes to the operation and maintenance of the system;
d) contingency plan describing the emergency procedures that will be implemented in the event of a fire or explosion at the facility; and
e) permit numbers from the Agency's Bureaus of Air and Water.

This information shall be submitted in the form of a permit application.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 26 of Count XIV of the Complaint.

27. The Respondents were required by special condition number 1 of supplemental development permit number 1996-240-SP, to provide the Illinois EPA with the abovementioned information, before operating its gas control facility.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 27 of Count XIV of the Complaint.

28. On or about March 31, 1999, or on a date or dates better known to the Respondents, the Respondents allowed commencement of operation of the gas control facility at the site without having first providing the necessary information to the Illinois EPA.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 28 of Count XIV, and demands strict proof thereof.

29. On May 5, 1999, the Illinois EPA received Respondents' submittal regarding an operating authorization request for the landfill gas management system.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 29 of Count XIV, and demands strict proof thereof.

30. The Respondents, by their acts and omissions as described herein, violated special condition number 1 of CLC's supplemental development permit number 1996-240-SP, and thereby,

also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002).

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 30 of Count XIV, and demands strict proof thereof.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count XIV as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count XIV;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Section 21(d)(1) of the Act and special condition number 1 of permit number 1996-240-SP;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count XIV, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT XV
VIOLATION OF PERMIT CONDITION

1-23. Complainant realleges and incorporates by reference herein, paragraphs 1 through 23 of Count I as paragraphs 1 through 23 of this Count XV as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraphs 1 through 23 of Count I as Paragraphs 1 through 23 of this Count XV as if fully set forth herein.

24. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002), provides as follows:

No person shall:

Conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to ensure compliance with this Act, and with regulations and standards adopted thereunder. . . .

ANSWER: Paragraph 24 of Count XV of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

25. Refuse is waste as that term is defined at Section 3.535 of the Act, 415 ILCS 5/3.535 (2002).

ANSWER: Paragraph 25 of Count XV of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

26. Special condition number 9 of supplemental development permit number 1996-240-SP, provides as follows:

> While the site is being developed or operated as a gas control or extraction facility, corrective action shall be taken if erosion or ponding are observed, if cracks greater than one inch wide have formed, if gas, odor, vegetative or vector problems arise, or if leachate popouts or seeps are present in the areas disturbed by constructing this gas collection facility.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 26 of Count XV of the Complaint.

27. Respondents were required by special condition number 9 of supplemental development permit number 1996-240-SP, to take corrective action when there was erosion, ponding, and cracks greater than one inch wide at the facility.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 27 of Count XV of the Complaint.

28. On or about March 31, 1999, on Parcel A, there was erosion, ponding and cracks over one inch wide at the facility, no vegetative cover, and no corrective action was being taken.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief

as to the truth or falsity of the allegation in Paragraph 28 of Count XV, and demands strict proof thereof.

29. On July 20, 1999, there was not a vegetative cover over the entire Parcel B of the landfill.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 29 of Count XV, and demands strict proof thereof.

30. The Respondents failed to take any action, or authorize and direct their employees to take any action, to prevent erosion, ponding, and crack in the landfill cover, and failed to provide for proper vegetative cover at the Site.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 30 of Count XV, and demands strict proof thereof.

31. Respondents, by the conduct described herein, violated special condition number 9 of its supplemental development permit number 1996-240-SP, and thereby, also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002).

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 31 of Count XV, and demands strict proof thereof.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count XV as

follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count XV;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Section 21(d)(1) of the Act and special condition number 9 of permit number 1996-240-SP;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count XV, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT XVI
VIOLATION OF PERMIT CONDITION

1-23. Complainant realleges and incorporates by reference herein, paragraphs 1 through 23 of Count I as paragraphs 1 through 23 of this Count XVI as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraphs 1 through 23 of Count I as Paragraphs 1 through 23 of this Count XVI as if fully set forth herein.

24. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002), provides as follows:

> No person shall:
>
> Conduct any waste-storage, waste-treatment, or waste-disposal operation:
>
> 1. without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to ensure compliance with this Act, and with regulations and standards adopted thereunder. . . .

ANSWER: Paragraph 24 of Count XVI of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

25. Refuse is waste as that term is defined at Section 3.535 of the Act, 415 ILCS 5/3.535 (2002).

ANSWER: Paragraph 25 of Count XVI of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

26. Special condition number 11 of supplemental development permit number 1996-240-

SP, provides as follows:

> Condensate from the gas accumulations system, and leachate pumped and removed from the landfill shall be disposed at an IEPA permitted publically owned treatment works, or a commercial treatment or disposal facility. The condensate shall be analyzed to determine if hazardous waste characteristics are present. A written log showing the volume of liquid discharged to the treatment facility each day by the landfill will be maintained at the landfill. This log will also show the hazardous waste determination analytical results.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 26 of Count XVI of the Complaint.

27. The Respondents were required by special condition number 11 of supplemental development permit number 1996-240-SP, to dispose of leachate pumped from the cells at a permitted, publically owned treatment works, or a commercial treatment or disposal facility.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 27 of Count XVI of the Complaint.

28. On or about March 31, 1999 and July 20, 1999, the Respondents caused and allowed leachate to be pumped from the landfill into new cells for added moisture and did not dispose of it at a permitted facility.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 28 of Count XVI, and demands strict proof thereof.

29. The Respondents, by the conduct described herein, violated special condition number 11 of supplemental development permit number 1996-240-SP, and thereby also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002).

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 29 of Count XVI, and demands strict proof thereof.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count XVI as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count XVI;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Section 21(d)(1) of the Act and special condition number 11 of permit number 1996-240-SP;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count XVI, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or

substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT XVII
FAILURE TO PROVIDE AND MAINTAIN ADEQUATE FINANCIAL ASSURANCE PURSUANT TO THE OCTOBER 24, 1996 PERMIT

1-23. Complainant realleges and incorporates by reference herein, paragraphs 1 through 23 of Count I as paragraphs 1 through 23 of this Count XVII as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraphs 1 through 23 of Count I as Paragraphs 1 through 23 of this Count XVII as if fully set forth herein.

24. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002), provides as follows:

No person shall:

Conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to

ensure compliance with this Act, and with regulations and standards adopted thereunder. . . .

ANSWER: Paragraph 24 of Count XVII of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

25. Refuse is waste as that term is defined at Section 3.53 of the Act, 415 ILCS 5/3.53 (2002).

ANSWER: Paragraph 25 of Count XVII of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

26. Special condition number 13 of supplemental development permit number 1996-240-SP, dated October 24, 1996, provides as follows:

> Financial assurance shall be maintained by the operator in accordance with 35 Ill. Adm. Code, Subtitle G, Part 807, Subpart F in an amount equal to the current cost estimate for closure and post closure care. The current cost estimate is $1,431,360.00 as stated in Permit Application, Log No. 1996-240. Within 90 days of the date of this permit, the operator shall provide financial assurance in the amount of the current cost estimate as required by 35 Ill. Adm. Code 807.603(b)(1). (Note: prior to the operation of the gas extraction system in accordance with Special Condition 1 of this permit, the operator shall provide financial assurance in the amount of $1,439,720.00)

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 26 of Count XVII of the Complaint.

27. The Respondents were required by special condition number 13 of supplemental development permit number 1996-240-SP, to arrange financing for CLC to provide $1,431,360.00 in financial assurance within 90 days from October 24, 1996 (January 22, 1997) and to increase this amount to $1,439,720.00 prior to the operation of the gas extraction system.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 27 of Count XVII of the Complaint.

28. The Respondents did not increase CLC's financial assurance to $1,431,360.00 by January 22, 1997 (90 days from October 24, 1996).

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 28 of Count XVII, and demands strict proof thereof.

29. The Respondents did not provide for CLC's financial assurance in the amount of $1,439,720.00 prior to the operation of the gas extraction system.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 29 of Count XVII, and demands strict proof thereof.

30. The Respondents caused CLC to provide to the Illinois EPA a rider to the existing performance bond that increased the amount of financial assurance to $1,439,720.00 on September 1, 1999.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 30 of Count XVII, and demands strict proof thereof.

31. The Respondents, by the conduct described herein, caused or allowed violations of special condition number 13 of supplemental development permit number 199-240-SP, and thereby, also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002).

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief

as to the truth or falsity of the allegation of Paragraph 31 and Count XVII, and demands strict proof thereof.

32. The Respondents were out of compliance with special condition number 13 of supplemental development permit number 1996-240-SP and Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002) from January 22, 1997 until September 1, 1999.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 32 of Count XVII, and demands strict proof thereof.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count XVII as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count XVII;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Section 21(d)(1) of the Act and special condition number 13 of permit number 1996-240-SP;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count XVII, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT XVIII
VIOLATION OF PERMIT CONDITION

1-23. Complainant realleges and incorporates by reference herein, paragraphs 1 through 23 of Count I as paragraphs 1 through 23 of this Count XVIII as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraphs 1 through 23 of Count I as Paragraphs 1 through 23 of this Count XVIII as if fully set forth herein.

24. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002), provides as follows:

No person shall:

Conduct any waste-storage, waste-treatment, or waste-disposal

operation:

> 1. without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to ensure compliance with this Act, and with regulations and standards adopted thereunder. . . .

ANSWER: Paragraph 24 of Count XVIII of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

25. Refuse is waste as that term is defined at Section 3.53 of the Act, 415 ILCS 5/3.53 (2002).

ANSWER: Paragraph 25 of Count XVIII of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

26. Special condition number 17 of supplemental development permit number 1989-005-SP, provides, in pertinent part, as follows:

> Prior to placing waste material in any Area, a registered professional engineer shall certify that the floor and/or sidewall liner or seal has been developed and constructed in accordance with an approved plan and specifications. . . Such data and certification shall be submitted to the Agency prior to placement of waste in the areas referenced above. No wastes shall be placed in those areas until the Agency has approved the certifications and issued an Operating Permit.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 26 of Count XVIII of the Complaint.

27. The Respondents were required by special condition number 17 of supplemental development permit number 1996-240-SP, to obtain CLC's Operating Permit and Illinois EPA approval based on a professional engineer's certification before placing any waste materials in an area

that did not yet have this approval.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 27 of Count XVIII of the Complaint.

28. On March 31, 1999, and July 20, 1999, the Respondents caused or allowed placement of leachate, a waste, in areas that had not been certified or approved by the Illinois EPA.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 28 of Count XVIII, and demands strict proof thereof.

29. The Respondents, by the conduct described herein, violated special condition number 17 of supplemental development permit number 1989-005-SP, and thereby, also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2002).

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 29 of Count XVIII, and demands strict proof thereof.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count XVIII as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count XVIII;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Section 21(d)(1) of the Act and special condition number 17 of permit number 1989-005-SP;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count XVIII, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

COUNT XIX
FAILURE TO PROVIDE REVISED COST ESTIMATE BY DECEMBER 26, 1994

1-16. Complainant realleges and incorporates by reference herein paragraphs 1 through 16 of Count I as paragraphs 1 through 16 of this Count XIX as if fully set forth herein.

ANSWER: Respondent, ROBERT PRUIM, realleges and incorporates by reference herein his answers to Paragraphs 1 through 16 of Count I as paragraphs 1 through 16 of this Count XIX as if fully set forth herein.

17. Section 21.1(a) of the Act, 415 ILCS 5/21.1(a) (2002), provides as follows:

> a. Except as provided in subsection (a.5) no person other than the State of Illinois, its agencies and institutions, or a unit of local government shall conduct any waste disposal operation on or after March 1, 1985, which requires a permit under subsection (d) of Section 21 of this Act, unless such person has posed with the Agency a performance bond or other security for the purpose of insuring closure of the site and post-closure care in accordance with this Act and regulations adopted thereunder.

ANSWER: Paragraph 17 of Count XIX of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

18. Section 807.601(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.601(a), states as follows:

> No person shall conduct a waste disposal operation or indefinite storage operation which requires a permit under Section 21 (d) of the Act unless such person has provided financial assurance in accordance with this Subpart.
>
> a) The financial assurance requirement does not apply to the State of Illinois, its agencies and institutions, or to any unit of local government; provided, however, that any other persons who conduct such a waste disposal operation on a site which may be owned or operated by such a government entity must provide financial assurance for closure and post-closure care of the site.

ANSWER: Paragraph 18 of Count XIX of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

19. Section 807.623(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.623(a), provides as follows:

> a. The operator must revise the current cost estimate at least once every two years. The revised current cost estimate must be filed on or before the second anniversary of the filing or last revision of the current cost estimate.

ANSWER: Paragraph 19 of Count XIX of the Complaint contains a legal conclusion to which Respondent, ROBERT PRUIM, makes no answer.

20. Item 9 of the CLC's supplemental permit dated April 20, 1993, provided that the next revised cost estimate was due by December 26, 1994.

ANSWER: Respondent, ROBERT PRUIM, admits the allegations in Paragraph 20 of Count XIX of the Complaint.

21. Respondents failed to cause CLC to provide a revised cost estimate by December 26, 1994.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 21 of Count XIX, and demands strict proof thereof.

22. On July 26, 1996, the Respondents submitted a Supplemental Permit Application for the gas collection and recovery system and included a revised cost estimate in the amount of $1,431,360.00.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 22 of Count XIX, and demands strict proof thereof.

23. By failing to revise the cost estimate by December 26, 1994, as required by the April 20, 1993, supplemental permit, the Respondents have violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2002), and Section 807.623(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 807.623(a).

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 23 of Count XIX, and demands strict proof thereof.

24. The Respondents were out of compliance with Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2002), 35 Ill. Adm. Code 807.623(a) from December 26, 1994 until July 26, 1996.

ANSWER: Respondent, ROBERT PRUIM, has insufficient knowledge to form a belief as to the truth or falsity of the allegation in Paragraph 24 of Count XIX, and demands strict proof thereof.

WHEREFORE:

Respondent, ROBERT PRUIM, respectfully requests that the Board enter an order in this matter against Complainant, PEOPLE OF THE STATE OF ILLINOIS, with respect to Count XIX as follows:

A. Authorizing a hearing in this matter at which time the Complainant will be required to prove the allegations alleged in Count XIX;

B. A finding that Respondent, ROBERT PRUIM, has not caused violations of Section 21(d)(2) of the Act and Section 807.623(a) of the Board's Waste Disposal Regulations;

C. In the alternative, denying Complainant's request for a cease and desist order based on a finding that the alleged violations have been corrected;

D. In the event the Board finds that Respondent, ROBERT PRUIM, violated any provisions of the law cited by the Complainant in Count XIX, to assess a nominal penalty against ROBERT PRUIM for each violation based on the limited and isolated nature of the violations alleged and the fact that:

(1) the alleged violations have been voluntarily corrected;

(2) the alleged violations are not ongoing or repetitious;

(3) the alleged violations were limited in duration and of relatively minor gravity;

(4) there was no substantial savings to Respondent or substantial harm to the environment or to the People of the State of Illinois; and

(5) other mitigating factors regarding penalty assessment.

E. Denying any request by the Complainant that Respondent, ROBERT PRUIM, pay all of its costs including expert witness, consultant and attorney fees expended in pursuit of this action; and

F. Granting such other relief as this Board deems appropriate.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

This Complaint is barred because it is prejudicial to Respondent, is not timely filed and the allegations in the Complaint are nearly identical to the allegations contained in the Second Amended

County of Cook

State of ILLINOIS

AFFIDAVIT OF ROBERT PRUIM

I, Robert Pruim, on oath and affirmation hereby depose and state as follows:

1. I am a Respondent in PCB 04-207 (Enforcement).

2. I am without sufficient knowledge to form a belief as to the truth or falsity of allegations contained in Counts I, II, III, V, VI, VII, VIII, IX, X, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX of the Complaint and demand strict proof thereof.

Further, affiant sayeth naught.

Robert Pruim

Robert Pruim

Signed and sworn to
this 3 day of January, 2005

Notary Public

"OFFICIAL SEAL"
NANCY E CRAVENS
COMMISSION EXPIRES 07/09/07

CERTIFICATE OF SERVICE

The undersigned, an attorney, on oath states that she caused to be served a copy of the foregoing **RESPONDENT ROBERT PRUIM'S ANSWER TO COMPLAINT AND AFFIRMATIVE DEFENSES** to the following parties of record, by hand delivery this 4th day of January, 2005:

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Assistant Attorney General
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Hearing Officer
Illinois Pollution Control Board
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