

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

Complainant,)

-vs-)

EDWARD PRUIM, an individual, and)
ROBERT PRUIM, an individual,)

Respondents.)

PCB No. 04-207
PCB No. 97-193
(Consolidated)
(Enforcement)

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

Complainant,)

-vs-)

COMMUNITY LANDFILL COMPANY, INC.,)

Respondent.)

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

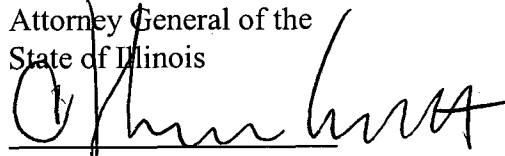
Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph, #2001
Chicago, IL 60601
(Via Hand Delivery)

NOTICE OF FILING

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

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

BY:



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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

-vs-)

EDWARD PRUIM, an individual, and)
ROBERT PRUIM, an individual,)
Respondents.)

PCB No. 04-207
PCB No. 97-193
(Consolidated)
(Enforcement)

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

-vs-)

COMMUNITY LANDFILL COMPANY, INC.,)
Respondent.)

COMPLAINANT'S RESPONSE TO RESPONDENTS'
MOTION TO CANCEL HEARING

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, and responds to the Respondents Motion to Cancel Hearing in these consolidated cases, as follows:

1. On September 21, 2006, the Board issued its Notice of Hearing for this case. The Board's Notice set hearing for December 11 through December 14, 2006.
2. On September 22, 2006, the Respondents filed their Motion to Cancel Hearing

pursuant to 35 Ill. Adm. Code 101.510, requesting that the Board cancel hearing in this matter indefinitely. Although Complainant believes that this Motion should have been directed to Hearing Officer Bradley P. Halloran and not to the Board, Complainant hereby submits its Response. Complainant believes that insufficient information has been provided to grant or deny the Respondents' Motion at this point. Complainant also notes that no substitute hearing date has been provided by the Respondents, although required by 35 Ill. Adm. Code 101.510.

3. The Respondents' request is based on the declining health of Edward Pruim, one of the Respondents in this case. Edward Pruim is an officer and, along with Community Landfill Company ("CLC") President Robert Pruim, part owner of CLC.

4. The State sympathizes with Mr. Pruim and his family and understands that concerns about his health should be considered in determining when hearing should go forward. However, the original case against Respondent CLC (now consolidated with 04-207) is almost ten years old. Without assigning blame to any party for the delay, establishment of a hearing date was a major step toward final resolution. All parties were consulted in setting the date, and the schedules of all prospective witnesses accommodated. Therefore, rescheduling this hearing for any reason is a step that should only taken after consideration of all the alternatives.

5. The letters attached to Respondent's Motion are insufficient for making a proper determination by the Hearing Officer or Board. Aside from the letterhead and first few lines, the letters are identical in form and substance. Each physician recommends that Mr. Pruim's condition be re-evaluated "in March 2007".

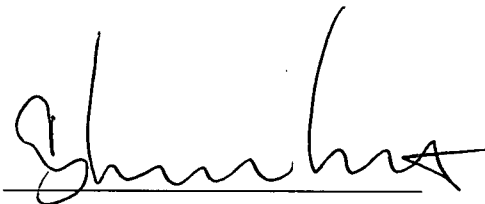
6. Respondents have not proposed a date to reschedule the hearing, as required by Section 101.510. The Hearing Officer or Board should consider all available options to preserve

the December 11, 2006 date. One option would be to sever the cases, and proceed to hearing as scheduled against all other Respondents.

7. In the event that the Board decides to reschedule hearing in the consolidated cases, it should require that Edward Pruiim's health be re-evaluated on or about December 1, 2006, that an evaluation be provided in the form of an affidavit, and that the submitting physician be available for deposition by Complainant. Complainant also believes that a tentative hearing date should be established at this time, no later than March 1, 2007. Because unavailability of Respondents' witnesses (especially Mr. Michael McDermont) resulted in a substantial delay in setting the December 11, 2006 hearing date, Respondents should be required to confirm witness availability for any rescheduled date at the present time, so that hearing is not further delayed.

WHEREFORE, Complainant requests that Respondent Community Landfill Company Inc.'s Motion to Cancel Hearing in case 97-193/04-207 (consolidated) be denied in part, and that the Board impose the conditions described herein prior to cancelling or rescheduling the December 11, 2006 hearing.

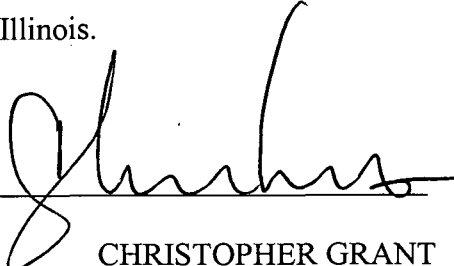
BY: _____



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

CERTIFICATE OF SERVICE

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


CHRISTOPHER GRANT