

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
EDWARD PRUIM and ROBERT PRUIM,)
)
Respondents.)

PCB No. 04-207
(Enforcement – Land)

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
COMMUNITY LANDFILL COMPANY,)
INC.,)
)
Respondent.)

PCB No. 97-193
(Enforcement – Land)
(consolidated)

NOTICE OF FILING

TO: Christopher Grant
Jennifer Van Wie
Environmental Bureau
Assistant Attorney General
69 W. Washington, 18th Floor
Chicago, Illinois 60602
Fax: (312) 814-2347

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
Fax: (312) 814-3669

PLEASE TAKE NOTICE that on **AUGUST 20, 2008**, the undersigned caused to be electronically filed with Mr. John Therriault, of the Illinois Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601, the **RESPONDENTS COMMUNITY LANDFILL COMPANY, INC., ROBERT PRUIM AND EDWARD PRUIM'S LIST OF WITNESSES AND EXHIBITS, AND A JOINT-PARTY ALLEGATION AND LIABILITY TABLE, FOR HEARING ON OCTOBER 20-23, 2008**, a copy of which is attached and hereby served upon you.

/s/ Clarissa Y. Cutler
One of Respondents' Attorneys

Electronic Filing - Received, Clerk's Office, August 20, 2008

Mark A. LaRose
LaRose & Bosco, Ltd.
200 N. LaSalle Street, Suite 2810
Chicago IL 60601
(312) 642-4414
Atty. No. 37346

Clarissa Y. Cutler (f/k/a Grayson)
Attorney at Law (formerly with LaRose & Bosco, Ltd.)
155 North Michigan Avenue, Suite 375
Chicago IL 60601
(312) 729-5067
Atty No. 44745

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Complainant,)	
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vs.)	PCB No. 04-207
)	(Enforcement – Land)
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vs.)	PCB No. 97-193
)	(Enforcement – Land)
COMMUNITY LANDFILL COMPANY,)	(consolidated)
INC.,)	
)	
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**RESPONDENTS COMMUNITY LANDFILL COMPANY, INC., ROBERT PRUIM
AND EDWARD PRUIM'S LIST OF WITNESSES AND EXHIBITS, AND A JOINT-
PARTY ALLEGATION AND LIABILITY TABLE,
FOR HEARING ON OCTOBER 20-23, 2008**

Respondents COMMUNITY LANDFILL COMPANY, INC., EDWARD PRUIM and ROBERT PRUIM, by and through their attorneys Mark A. LaRose of LaRose & Bosco, Ltd. and Clarissa Y. Cutler, and pursuant to the July 17, 2008 Order by Hearing Officer Bradley Halloran, hereby file Respondents Community Landfill Company, Inc., Robert Pruim and Edward Pruim's List of Witnesses and Exhibits for Hearing on October 20-23, 2008, as follows:

A. Witnesses

Respondents may call any of the following individuals as witnesses:

1. R. Michael McDermont
2. James Pelnarsh Sr.
3. Robert Pruum
4. Edward Pruum
5. John Taylor
6. Warren Weritz
7. Christina Kovaszny
8. Cristina Roque
9. Bruce Kugler
10. Blake Harris
11. Andrew Catlin
12. Jeanne Anne Robinson
13. Any witnesses listed by Complainant

Respondents reserve the right to supplement this witness list.

B. Exhibits

Respondents may use any of the following documents as exhibits:

1. All inspection reports conducted by Warren Weritz and/or Christina Kovaszny on April 7, 1994; March 22, 1995; May 22, 1995; July 28, 1998; March 31, 1999; May 11, 1999 and July 20, 1999.
2. Complainant's Responses and Objections to Respondent's Request for Admission of Facts (and any documents referenced therein)

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3. IEPA Affidavits for Complainant's Responses to Respondent's First Request for Admission of Facts (and any documents referenced therein)
4. Complainant's Responses and Objections to Respondent's First Request for Production of Documents (and any documents referenced therein)
5. Complainant's Responses and Objections to Respondent's First Set of Interrogatories (and any documents referenced therein)
6. Complainant's Responses and Objections to Respondent's Second Request for Production of Documents (and any documents referenced therein)
7. Complainant's Responses and Objections to Respondent's Second Set of Interrogatories (and any documents referenced therein)
8. Exhibits 1-5 (and all attachments thereto) to Respondent Community Landfill Company Inc.'s Cross-Motion for Summary Judgment filed on March 1, 2002
9. Exhibits A-W (and all attachments thereto) to Respondents Robert Pruim and Edward Pruims' Motions for Summary Judgment filed on January 13, 2006
10. Exhibits A-N (and all attachments thereto) to Complainant's Motion for Partial Summary Judgment filed on October 15, 2001
11. IEPA Permit 1996-240-SP
12. EPA Permit 1989-005-SP
13. 35 Ill Adm. Code 807.100 *et seq*
14. Gas management acceptance report application narrative dated April 22, 1999, (approved by IEPA Permit 1999-175-SP)
15. IEPA Permit 1993-401-IN
16. Rapier Report dated August 30, 2000
17. Any documents listed by Complainant

Respondents reserve the right to supplement this Exhibit list.

C. Joint-Party Allegation and Liability Table (see attached)

Respectfully submitted,

/s/ Clarissa Y. Cutler
One of Respondents' Attorneys

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PEOPLE V. CLC & EDWARD AND ROBERT PRUIM

<i>People v. CLC PCB 97-193 2nd Amended Complaint Count No.</i>	<i>People v. Edward and Robert Pruim PCB 04-207 Count No.</i>	Allegation	What needs to be proven for each count
I	I	Failure to adequately manage refuse & litter	Liability & penalty for CLC and Pruims
II	II	Failure to prevent or control leachate flow	Liability & penalty for CLC and Pruims
III	III	Failure to properly dispose of landscape waste	CLC – penalty only Pruims – liability & penalty
IV	IV	Failure to provide and maintain financial assurance pursuant to April 20, 1993 permit	CLC – penalty only Pruims – liability & penalty
V	V	Failure to timely file the required application for a Significant Modification	CLC – penalty only Pruims – liability & penalty
VI	VI	Water Pollution	Liability & penalty for CLC and Pruims
VII	VII	Depositing waste in unpermitted portions of landfill (Parcel B)	CLC – penalty only Pruims – liability & penalty
VIII	VIII	Conducting a waste disposal operation without a permit	CLC - penalty only Pruims – liability & penalty
IX	IX	Open dumping	CLC – penalty only Pruims – liability & penalty

<i>People v. CLC</i> PCB 97-193 2 nd Amended Complaint Count No.	<i>People v. Edward and Robert Pruim</i> PCB 04-207 Count No.	Allegation	What needs to be proven for each count
X	X	Violating Standard Operating Permit 1989-005-SP Condition #3 (permit modification and supplemental permit)	CLC – penalty only Pruims – liability & penalty
XII	XI	Conducting a waste disposal operation without a permit (Parcel A)	CLC - Dismissed Pruims -liability & penalty *The Complainant plans to dismiss this count against the Pruims*
XIII	XII	Improper disposal of waste tires	CLC – penalty only Pruims – liability & penalty
XIV	XIII	Violating Standard Operating Permit 1989-005-SP Condition #13 (temporary fencing)	CLC – penalty only
XV	XIV	Violating Standard Operating Permit 1996-240-SP Condition #1 (operation of gas control)	CLC – liability & penalty
XVI	XV	Violation of Standard Operating Permit 1996-240-SP Condition #9 (erosion, ponding, & cracks)	CLC – penalty only
XVII	XVI	Violation of Standard Operating Permit 1996-240-SP Condition #11 (leachate disposal)	CLC – liability & penalty

<i>People v. CLC</i> PCB 97-193 2 nd Amended Complaint Count No.	<i>People v. Edward and Robert Pruim</i> PCB 04-207 Count No.	Allegation	What needs to be proven for each count
XIX	XVII	Failure to provide and maintain financial assurance pursuant to Oct. 24, 1996 permit (Violation of Permit 1996-240-SP, Condition #13)	Partial Summary Judgment granted in Complainant's favor against CLC: (a) CLC liable in part for failing to increase financial assurance from \$1,342,500 to \$1,431,600 by January 22, 1997 CLC - hearing on penalty Pruims - hearing on penalty and liability ----- (b) Alleges Respondents did not increase financial assurance to \$1,439,720 before operation of gas system -- hearing as to when gas system began operating. Liability & penalty for CLC and Pruims
XX	XVIII	Violation of Standard Operating Permit 1989-005-SP Condition #17 (caused or allowed placement of leachate in areas not certified or approved by the IEPA)	CLC – liability & penalty
XXI	XIX	Failure to provide revised cost estimate by December 26, 1994	CLC – penalty only Pruims – liability & penalty

CERTIFICATE OF SERVICE

I, Clarissa Y. Cutler (f/k/a Grayson), an attorney, hereby certify that I caused to be served a copy of the foregoing **RESPONDENTS COMMUNITY LANDFILL COMPANY, INC., ROBERT PRUIM AND EDWARD PRUIM'S LIST OF WITNESSES AND EXHIBITS, AND A JOINT-PARTY ALLEGATION AND LIABILITY TABLE, FOR HEARING ON OCTOBER 20-23, 2008**, by electronic filing, and by placing same in first-class postage prepaid envelopes and depositing same in the U.S. Mail Box located at 200 North LaSalle Street, Chicago, Illinois, this 20TH day of **AUGUST, 2008**, addressed as follows:

By U.S. Mail and facsimile

Christopher Grant
Jennifer Van Wie
Environmental Bureau
Assistant Attorney General
69 W. Washington, 18th Floor
Chicago, Illinois 60602
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