

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
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Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
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PLEASE TAKE NOTICE that on **DECEMBER 1, 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 REQUEST TO INCORPORATE MATERIALS FROM PRIOR PROCEEDING**, a copy of which is attached and hereby served upon you.

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

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PEOPLE OF THE STATE OF ILLINOIS,)
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) Complainant,)
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) v.) PCB 04-207
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COMMUNITY LANDFILL COMPANY, INC.)
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) Respondent.)

RESPONDENTS COMMUNITY LANDFILL COMPANY INC., ROBERT PRUIM AND EDWARD PRUIM'S REQUEST TO INCORPORATE MATERIALS FROM PRIOR PROCEEDING

Respondent COMMUNITY LANDFILL COMPANY, INC., by and through its attorney LAROSE & BOSCO, LTD., pursuant to 35 Ill. Adm. Code 101.306, hereby requests that the Hearing Officer, Bradley Halloran, incorporate by reference materials from the record of another Illinois Pollution Control Board proceeding, Community Landfill Co., Inc. and the City of Morris v. Illinois Environmental Protection Agency, PCB No. 01-170 (Enforcement) into the record of the present proceeding.

The materials from PCB No. 01-170 which Respondent COMMUNITY LANDFILL CO., INC. requests be incorporated are the following portions of the Transcript of Proceedings before

Hearing Officer Bradley Halloran at the hearing held October 15-17, 2001 along with the corresponding exhibit, as follows:

- A. Volume I – Day One of Hearing, October 15, 2001
Testimony of Mark Retzlaff (pp.66-69)

The copies of the transcripts to be incorporated are authentic copies of the Illinois Pollution Control Board transcripts. The witness, an employee of the Illinois Environmental Protection Agency, was subject to cross-examination during his testimony. Furthermore, the material is relevant to the present proceeding since it addresses the issue of personal liability of the respondents Robert Pruim and Edward Pruim. Finally, incorporating this material into the record of the present proceeding will assist Hearing Officer Halloran (who was also the Hearing Officer in PCB 01-170) in following the Board's October 3, 2002 and April 20, 2006 orders.

Based on the foregoing, Respondent COMMUNITY LANDFILL CO., INC. respectfully request that Hearing Officer Bradley Halloran incorporate by reference the above described materials from the record of Illinois Pollution Control Board proceeding, Community Landfill Co., Inc. and the City of Morris v. Illinois Environmental Protection Agency, PCB No. 01-170 (Enforcement) into the record of the present proceeding.

Respectfully submitted,

/s/ Clarissa Y. Cutler
One of Community Landfill Co., Inc.'s Attorneys

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1 inspection, you would look at the operating
2 units that are sought to be permitted and see if
3 they comply with your knowledge of the permit
4 requirements, correct?

5 A. Yes.

6 Q. And you would report that to permitting?

7 A. Yes.

8 Q. You are not an engineer, are you, sir?

9 A. No.

10 Q. During part of your stint with the
11 Agency, you were first a field operations
12 inspector, right?

13 A. Yes.

14 Q. And then for a period of time, several
15 years in the '90s, you were assigned to criminal
16 investigations with was it the Illinois
17 Department of Criminal Investigations?

18 A. Well, Illinois State Police.

19 Q. Okay. So the EPA lent you, if you will,
20 to the state police regarding the conduct of

21 criminal investigations, correct?

22 A. Correct, via interagency agreement.

23 Q. And that was for a period of several
24 years in the 1990s?

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EXHIBIT A

1 A. Yes.

2 Q. And then sometime in 1989 or -- I'm
3 sorry, 1998 or '99, you returned to your duties
4 as merely a field inspector?

5 A. Yes.

6 Q. Okay. And you've been the field
7 inspector for Morris Community Landfill for the
8 last couple of years or so, correct?

9 A. Yes.

10 Q. And during that time, you've conducted
11 five or six inspections of the Morris Community
12 Landfill?

13 A. Yes.

14 Q. Okay. When you go there, who do you deal
15 with?

16 A. James Pelnarsh, Senior.

17 Q. Okay.

18 A. Do you want the spelling?

19 Q. No. That's okay.

20 Who do you understand James
21 Pelnarsh, Senior, to be?

22 A. Site operator.

23 Q. When you inspect the Morris Community

24 Landfill, is Mr. Pelnarsh accommodating

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1 regarding your inspections?

2 A. Yes.

3 Q. Cooperative?

4 A. Yes.

5 Q. Has he ever attempted in any way to limit
6 the scope of your inspection?

7 A. No.

8 Q. He's always showed you what you wanted to
9 see, told you what you wanted to know, correct?

10 A. Yes.

11 Q. As far as the Morris Community Landfill
12 and your involvement with it, Jim Pelnarsh, the
13 guy we know as JP, that's your contact, correct?

14 A. Yes.

15 Q. Have you ever had any contact with Robert
16 Pruim?

17 A. No.

18 Q. Would you know Robert Pruim if you saw
19 him?

20 A. No.

21 Q. Have you ever seen Robert Pruim at the
22 Morris Community Landfill?

23 A. Not that I'm aware of, no.

24 Q. Do you have any idea whether Robert Pruim

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1 has any involvement in the day-to-day operations
2 of Morris Community Landfill?

3 A. No.

4 Q. Based on your observation, though, it
5 would be JP that has those responsibilities?

6 A. Yes.

CERTIFICATE OF SERVICE

I, Clarissa Y. Cutler, 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 REQUEST TO INCORPORATE MATERIALS FROM PRIOR PROCEEDING**, by electronic filing, emailing, 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 1st day of **DECEMBER, 2008**, addressed as follows:

By U.S. Mail and email

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