

**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  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
[hallorab@ipcb.state.il.us](mailto:hallorab@ipcb.state.il.us)

**PLEASE TAKE NOTICE** that on **JANUARY 12, 2009**, 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 RESPONSE TO COMPLAINANT'S APPEAL OF HEARING OFFICER RULING**, a copy of which is attached and hereby served upon you.

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

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Complainant,	)	
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PEOPLE OF THE STATE OF ILLINOIS,	)	
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Complainant,	)	
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v.	)	PCB 97-193
	)	(Enforcement – Land)
	)	(Consolidated)
COMMUNITY LANDFILL COMPANY, INC.	)	
	)	
Respondent.	)	

**RESPONDENTS COMMUNITY LANDFILL CO., INC., ROBERT PRUIM AND EDWARD PRUIM'S RESPONSE TO COMPLAINANT'S APPEAL OF HEARING OFFICER RULING**

Respondents COMMUNITY LANDFILL CO., INC., ROBERT PRUIM and EDWARD PRUIM, by and through their attorneys Mark A. LaRose of LaRose & Bosco, Ltd. and Clarissa Y. Cutler, and pursuant to 35 Ill.Adm. Code 101.502(b) and 101.518, hereby respond to the Complainant PEOPLE OF THE STATE OF ILLINOIS's Appeal of Hearing Officer Ruling and in support thereof state as follows:

**I. THE BOARD SHOULD AFFIRM THE HEARING OFFICER'S RULING**

On November 12, 2008, Respondents COMMUNITY LANDFILL CO., INC., ROBERT PRUIM and EDWARD PRUIM, filed a Motion *in Limine* pursuant to 35 Ill.Adm. Code 101.502(b) to exclude evidence of respondents' prior convictions. The motion was considered

by Hearing Officer Bradley Halloran who, on December 2, 2008, granted Respondents' motion. Complainant now seeks to appeal Hearing Office Halloran's ruling.

It is the duty of the hearing officer to manage the hearing processes and make timely and considered decisions. Joliet Sand and Gravel Co. v. Ill. Poll. Control Bd., 163 Ill.App.3d 830, 835, 516 N.E.2d 955, 959 (3<sup>rd</sup> Dist. 1987). The hearing officer has all powers necessary to conduct hearings including the power to rule upon objections and evidentiary questions as well as motions to the hearing officer made in accordance with section 101.502. 35 Ill.Adm. Code 101.610(l) and (n). Hearing Officer Halloran considered respondents' motion and complainant's response thereto and in making his ruling stated that "...what the State is arguing is a matter of semantics." (Transcript of Proceedings, p. 5). Hearing Officer Halloran further stated that if evidence of respondents' convictions was introduced after the ten-year limit has run, it would have the result of "attacking [respondents'] veracity." (Transcript of Proceedings, p. 5). In reaching his decision, Hearing Office Halloran also had the opportunity to consider Assistant Attorney General Christopher Grant's own words as set forth in Exh. A to Respondent's Motion wherein Mr. Grant stated in his October 6, 2008 letter that he intended to use the subject documents "...as impeachment for [respondents'] testimony". (See Exh. A). The Board should therefore affirm Hearing Officer Halloran's ruling and hold that the evidence was properly excluded.

## **II. CONCLUSION**

Based on the foregoing, Respondents COMMUNITY LANDFILL CO., INC., ROBERT PRUIM and EDWARD PRUIM the Board AFFIRM Hearing Officer Halloran's ruling granting Respondents' Motion *in Limine* to Exclude Evidence.

Respectfully Submitted,

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

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Electronic Filing - Received, Clerk's Office, January 12, 2009

Electronic Filing - Received, Clerk's Office, November 12, 2008



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

**Lisa Madigan**  
ATTORNEY GENERAL

October 6, 2008

Ms. Clarissa Grayson  
Attorney at Law  
155 N. Michigan Ave, Suite 375  
Chicago, IL 60601

Dear Clarissa:

Attached are additional documents which the State may use at the December hearing in PCB 97-193/04-207. Documents COM 000262-000273 are City of Morris records regarding disposal of waste in the Landfill during 1994. These sheets were used to track royalties owed, and were produced by the City in the financial assurance case (03-191). We intend to use these documents in the examination of John Enger.

The second group of documents are certified copies of federal court records from U.S. v. Prum, No. 93 CR 0682. These were just recently obtained from the federal records center. They do not constitute 'exhibits' as we only intend to use them, if at all, as impeachment for the testimony of Robert and/or Edward Prum. I am disclosing them now to prevent surprise later on. I have the original certified copy if you want to examine it before hearing.

Call me if you have any questions.

Sincerely

A handwritten signature in black ink, appearing to read "Christopher Grant".

Christopher Grant  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington Street, 18<sup>th</sup> Flr.  
Chicago, Illinois 60602  
(312)814-5388



**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 RESPONSE TO COMPLAINANT'S APPEAL OF HEARING OFFICER RULING**, 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 12<sup>th</sup> day of **JANUARY, 2009**, addressed as follows:

**By U.S. Mail and email**

Christopher Grant  
Jennifer Van Wie  
Environmental Bureau  
Assistant Attorney General  
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[cgrant@atg.state.il.us](mailto:cgrant@atg.state.il.us)  
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/s/ Clarissa Y. Cutler  
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