

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	PCB No. 97-193
)	(Enforcement – Land)
COMMUNITY LANDFILL COMPANY,)	(consolidated)
INC.,)	
)	
Respondent.)	
)	
<hr/>)	
PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	PCB No. 04-207
)	(Enforcement – Land)
EDWARD PRUIM and ROBERT PRUIM,)	
)	
Respondents.)	

NOTICE OF FILING

TO: Christopher Grant	Bradley Halloran
Jennifer Van Wie	Hearing Officer
Environmental Bureau	Illinois Pollution Control Board
Assistant Attorney General	100 West Randolph, Suite 11-500
69 W. Washington, 18th Floor	Chicago, Illinois 60601
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PLEASE TAKE NOTICE that on **SEPTEMBER 4, 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., EDWARD PRUIM AND ROBERT PRUIM'S EXPEDITED MOTION FOR THE BOARD TO CHANGE THE SEPTEMBER 21, 2009 PENALTY PAYMENT DEADLINE IN ITS AUGUST 20, 2009 OPINION AND ORDER TO A DATE AFTER SEPTEMBER 28, 2009**, a copy of which is attached and hereby served upon you.

/s/ Mark A. LaRose
One of Respondents' Attorneys

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**RESPONDENTS COMMUNITY LANDFILL COMPANY, INC.,
EDWARD PRUIM AND ROBERT PRUIM'S EXPEDITED MOTION FOR THE BOARD
TO CHANGE THE SEPTEMBER 21, 2009 PENALTY PAYMENT DEADLINE IN ITS
AUGUST 20, 2009 OPINION AND ORDER TO A DATE AFTER SEPTEMBER 28, 2009**

Respondents, Community Landfill Company, Inc., Edward Pruum and Robert Pruum, by and through their attorneys LaRose & Bosco, Ltd., and pursuant to 35 Ill. Admin. Code 101.512(a) hereby move the Illinois Pollution Control Board to change the September 21, 2009 penalty payment deadline in its August 20, 2009 Opinion and Order to a date after September 28, 2009, and in support hereof states as follows:

1. The Board adopted its Opinion and Order in this case on August 20, 2009, and the Respondents received the Order on August 24, 2009.

Electronic Filing - Received, Clerk's Office, September 4, 2009

2. In its Opinion and Order, the Board ordered Respondents Community Landfill Company, Inc. and Edward and Robert Pruiam, jointly and severally, to pay a civil penalty of \$250,000.00 no later than September 21, 2009.

3. The Respondents have 35 days after receipt of a final Board order to file a motion for reconsideration before the Illinois Pollution Control Board. *See* 35 Ill. Adm. Code 101.520(a).

4. It is the Respondents' intent to file a motion for reconsideration and said motion is due on September 28, 2009 -- 35 days after receipt of the Order.

5. The filing of a motion for reconsideration stays the effect of the final order until final disposition of the motion. *See* 35 Ill. Adm. Code 101.520(c).

6. As the Board's Opinion and Order currently stands, the September 21, 2009 penalty deadline precedes and conflicts with the September 28, 2009 filing deadline.

7. If the September 21, 2009 penalty deadline stands as is, the Respondents would be required to pay \$250,000 prior to the deadline of the filing of their motion for reconsideration, which motion will stay the Board's Order and Opinion.

8. The Board's Opinion and Order as it stands would severely prejudice the Respondents, as the Respondents need the full 35 days accorded by the regulations to prepare and file their motion to reconsider and Respondents would be deprived of the stay that would automatically accompany their motion for reconsideration.

9. In order for the Respondents to be given the required and allowable time provided under the statute to file their motion to reconsider, and so that the Board's Order and Opinion is stayed until final disposition of the Respondents' motion for reconsideration, it will be necessary for

the Board to amend the deadline for payment of the \$250,000.00 penalty until a date after September 28, 2009.

10. This motion is made in good faith and not for the purposes of delay.

11. If this motion is not granted, the Respondents will be severely prejudiced.

12. Time is of the essence as to the ruling on this motion as the penalty deadline is fast approaching, and Respondents' request for expedited review of this motion under 35 Ill. Admin. Code §101.512.

WHEREFORE, Respondents respectfully request that this Motion be granted and that the Board change the September 21, 2009 penalty payment deadline in its August 20, 2009 Opinion and Order to a date after September 28, 2009.

Respectfully submitted,

/s/ Mark A. LaRose
Attorneys for Respondents

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AFFIRMATION

I, Mark A. LaRose, hereby attest that the statements in the foregoing RESPONDENTS COMMUNITY LANDFILL COMPANY, INC., EDWARD PRUIM AND ROBERT PRUIM'S EXPEDITED MOTION FOR THE BOARD TO CHANGE THE SEPTEMBER 21, 2009 PENALTY PAYMENT DEADLINE IN ITS AUGUST 20, 2009 OPINION AND ORDER TO A DATE AFTER SEPTEMBER 28, 2009, are true and that there is an absolute necessity for expedited review and the relief requested in the foregoing motion.



Mark A. LaRose

CERTIFICATE OF SERVICE

I, Mark A. LaRose, an attorney, hereby certify that I caused to be served a copy of the foregoing **RESPONDENTS COMMUNITY LANDFILL COMPANY, INC., EDWARD PRUIM AND ROBERT PRUIM'S EXPEDITED MOTION FOR THE BOARD TO CHANGE THE SEPTEMBER 21, 2009 PENALTY PAYMENT DEADLINE IN ITS AUGUST 20, 2009 OPINION AND ORDER TO A DATE AFTER SEPTEMBER 28, 2009** by electronic filing, e-mailing, 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 4th day of **SEPTEMBER, 2009**, addressed as follows:

By U.S. Mail and email

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