

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

vs.)

COMMUNITY LANDFILL COMPANY,)
INC.,)

Respondent.)

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

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

vs.)

EDWARD PRUIM and ROBERT PRUIM,)

Respondents.)

PCB No. 04-207
(Enforcement – Land)

NOTICE OF FILING

TO: Christopher Grant
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PLEASE TAKE NOTICE that on **SEPTEMBER 28, 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 MOTION FOR RECONSIDERATION OF THE ILLINOIS POLLUTION CONTROL BOARD'S ODER DATED AUGUST 20, 2009**, 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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v.)	PCB 04-207
)	(Enforcement – Land)
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)	(Enforcement – Land)
)	(Consolidated)
COMMUNITY LANDFILL COMPANY, INC.)	
)	
Respondent.)	

**COMMUNITY LANDFILL CO., INC. ROBERT PRUIM AND EDWARD PRUIM'S
MOTION FOR RECONSIDERATION OF THE ILLINOIS POLLUTION CONTROL
BOARD'S ORDER DATED AUGUST 20, 2009**

Respondent, 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, pursuant to 35 Ill.Adm. Code 101.520(a) and 101.902, hereby move the Illinois Pollution Control Board to reconsider its Order dated August 20, 2009, and in support thereof, states as follows:

1. On August 20, 2009, the Illinois Pollution Control Board issued an Opinion and Order of the Board in the above captioned matter. The Order is attached to Community Landfill Co., Inc., ROBERT PRUIM AND EDWARD PRUIM's Memorandum in Support of their

Motion for Reconsideration of the Illinois Pollution Control Board's Order Dated August 20, 2009.

2. Community Landfill Co., Inc.'s ("CLC") Motion to Reconsider the Illinois Pollution Control Board's Order Dated August 20, 2009 is timely filed pursuant to 35 Ill. Adm. Code 101.520(a), which allows a motion for reconsideration of an order by the Illinois Pollution Control Board ("Board") to be filed 35 days after receipt of an order. In the present matter, the Order was received via registered mail by CLC on August 24, 2009. This motion was timely filed on September 28, 2009.

3. For the reasons set forth in its Memorandum in Support of its Motion for Reconsideration of the Illinois Pollution Control Board's Order Dated August 20, 2009, CLC moves the Board for reconsideration and seeks a revised Order as follows:

A. dismiss Counts IV and XVII (financial assurance), V (significant modification), VII, VIII, IX and X (overheight), and XIX (cost estimate) against Robert Pruim and Edward Pruim in PCB 04-207 with a finding that they are not personally liable for the allegations contained therein;

B. dismiss Counts II and VI against CLC in PCB 97-193 with a finding that it did not fail to control leachate or cause water pollution; and

C. revise the penalty assessed to reflect the dismissal of Counts I, II, III, VI, and XII against Robert Pruim and Edward Pruim due to the State's failure to prove personal liability; and

D. revise the penalty assessed to reflect the dismissal of all counts against Robert Pruim and Edward Pruim as requested herein (Counts IV, V, VII, VIII, IX, X,

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XVII and XIX of PCB 04-207) and against CLC as requested herein (Counts II and VI in PCB 97-193) and assess a penalty of \$25,0000 against CLC.

Respectfully submitted,

/s/ Clarissa Y. Cutler
One of the Attorneys for
COMMUNITY LANDFILL CO., INC.,
ROBERT PRUIM AND EDWARD PRUIM

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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 MOTION FOR RECONSIDERATION OF THE ILLINOIS POLLUTION CONTROL BOARD'S ORDER DATED AUGUST 20, 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 **28th** day of **SEPTEMBER, 2009**, addressed as follows:

By U.S. Mail and email

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