

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 vs.) PCB No. 97-193
) (Enforcement – Land)
) (consolidated)
 COMMUNITY LANDFILL COMPANY,)
 INC.,)
)
 Respondent.)
)
 _____)
 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
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Bradley Halloran
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PLEASE TAKE NOTICE that on **NOVEMBER 23, 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 EXPEDITED MOTION TO CHANGE THE DECEMBER 5, 2009 PENALTY PAYMENT DEADLINE IN THE BOARD'S NOVEMBER 5, 2009 ORDER TO A DATE AFTER DECEMBER 14, 2009**, a copy of which is attached and hereby served upon you.

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

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Complainant,)	
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)	(Enforcement – Land)
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**RESPONDENTS COMMUNITY LANDFILL COMPANY, INC.,
EDWARD PRUIM AND ROBERT PRUIM'S EXPEDITED MOTION TO
CHANGE THE DECEMBER 5, 2009 PENALTY PAYMENT DEADLINE IN THE
BOARD'S NOVEMBER 5, 2009 ORDER TO A DATE AFTER DECEMBER 14, 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 December 5, 2009 penalty payment deadline in its November 5, 2009 Order to a date after December 14, 2009, and in support hereof states as follows:

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1. On November 5, 2009, the Board issued its Order denying Respondents motion for reconsideration and directing the parties to pay all civil penalties within 30 days of the date of the order – by December 5, 2009.

2. The Respondents received the Board's November 5, 2009 order on November 11, 2009.

3. The Board's November 5, 2009 order may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order – which in this case is December 14, 2009. 415 ILCS § 5/41(a)(2008).

4. Pursuant to the Board's procedural rules, motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received – which in this case is December 14, 2009. 35 Ill. Adm. Code 101.520(a).

5. Pursuant to the Board's procedure rules, a timely-filed motion for reconsideration or modification stays the effect of the final order until final disposition of the motion. 35 Ill. Adm. Code 101.520(c). Granting this motion would be a modification of the Board's November 5, 2009 Order.

6. The Respondents intend to file an appeal of the Board's Order with the Third District Appellate Court and a Motion to Stay Pending Appeal with the Illinois Pollution Control Board by the December 14, 2009 deadline.

7. The December 5, 2009 deadline for Respondents to pay all civil penalties precedes and conflicts with the date of December 14, 2009 – which is the deadline to file a motion to stay in the Pollution Control Board and an appeal in the Third District Appellate Court.

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8. If the December 5, 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 to stay with the Illinois Pollution Control Board and prior to filing their appeal with the Illinois Appellate Court.

9. The Board's 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 stay pending appeal and their appeal, and the Respondents would be deprived of the stay that would automatically accompany their motion to stay pending appeal.

10. In order for the Respondents to be given the required and allowable time provided under the statute to file their motion to stay and to appeal the Board's Order, and so that the Board's Order is stayed until after final disposition of the Respondents' Motion to Stay Pending Appeal, it will be necessary for the Board to change the deadline for payment of the \$250,000.00 penalty until after the December 14, 2009 deadline.

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

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

13. Time is of the essence as to the ruling on this motion as the penalty deadline is fast approaching, and therefore, Respondents' request 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 December 5, 2009 penalty payment deadline in its November 5, 2009 Order to a date after the December 14, 2009 filing deadline.

Respectfully submitted,

/s/ Mark A. LaRose
Attorneys for Respondents

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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., ROBERT PRUIM AND EDWARD PRUIM'S EXPEDITED MOTION TO CHANGE THE DECEMBER 5, 2009 PENALTY PAYMENT DEADLINE IN THE BOARD'S NOVEMBER 5, 2009 ORDER TO A DATE AFTER DECEMBER 14, 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 **23rd** day of **NOVEMBER, 2009**, addressed as follows:

By U.S. Mail and email

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