

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by LISA MADIGAN, Attorney)
General of the State of Illinois,)
Complainant,)

-vs-

EDWARD PRUIM, an individual, and)
ROBERT PRUIM, an individual,)
Respondents.)

PCB No. 04-207
PCB No. 97-193
(Consolidated)
(Enforcement)

People of the State of Illinois,)
by LISA MADIGAN, Attorney)
General of the State of Illinois,)
Complainant,)

-vs-

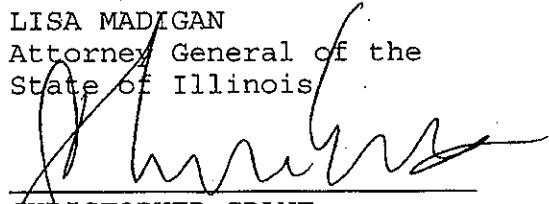
Community Landfill Company, Inc.)
Respondent.)

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, February 6, 2006, filed with the Office of the Clerk of the Illinois Pollution Control Board, by electronic filing, Complainant's Motion to Dismiss Certain Counts, copies of which are attached herewith and served upon you.

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
Attorney General of the
State of Illinois

BY:



CHRISTOPHER GRANT
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Flr.
Chicago, IL 60601
(312) 814-5388

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Community Landfill Company, Inc.)
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**COMPLAINANT'S MOTION TO VOLUNTARILY DISMISS CERTAIN COUNTS
ALLEGED AGAINST RESPONDENTS EDWARD PRUIM AND ROBERT PRUIM**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by
LISA MADIGAN, Attorney General of the State of Illinois, and
hereby moves to voluntarily dismiss certain counts alleged
against Respondents EDWARD PRUIM and ROBERT PRUIM in case No. PCB
04-207. In support thereof, Complainant states as follows:

1. On May 21, 2004, Complainant filed its 19-count
complaint against Respondents Edward Pruum and Robert Pruum. The

case was assigned as PCB 04-207. On February 17, 2005, the Board granted Respondents' Motion to consolidate PCB 04-207 with an earlier-filed Community Landfill Company matter, PCB 97-193. In both cases, Complainant seeks relief in the form of a Board order requiring all respondents to correct the alleged violations, and the assessment of Civil Penalties.

2. The consolidated cases had been set for hearing on April 10, 2005, although this date may be continued by the hearing officer.

3. Complainant now believes that dismissal of certain counts alleged against Respondents Edward Pruim and Robert Pruim in PCB 04-207 would be appropriate, and will not affect its ability to obtain appropriate relief.

4. In PCB 04-207, Complainant seeks dismissal, in favor of Respondents Edward Pruim and Robert Pruim only of Count XIII [Violation of Permit Condition 13], Count XIV [Violation of Permit Condition 1], Count XV [Violation of Permit Condition 9], Count XVI [Violation of Permit Condition 11], and Count XVIII [Violation of Permit Condition 17].

5. Complainant will continue to seek relief against Respondent Community Landfill Company on these alleged violation, pursuant to the Second Amended Complaint in PCB 97-193 and the Board's grant of partial summary judgment in that matter.

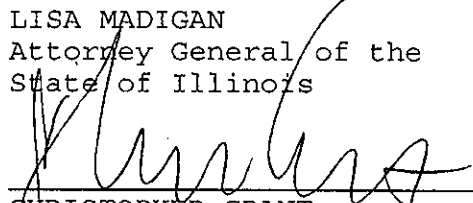
WHEREFORE, Complainant moves for voluntary dismissal of Counts XIII, XIV, XV, XVI, and XVIII of the Complaint filed in

PCB 04-207.

RESPECTFULLY SUBMITTED

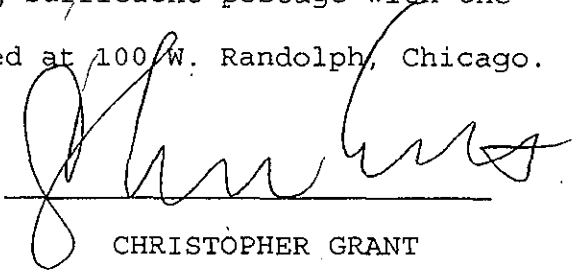
PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
Attorney General of the
State of Illinois

BY:


CHRISTOPHER GRANT
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Flr.
Chicago, IL 60601
(312) 814-5388

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 6th day of February, 2006, Complainant's Motion to Dismiss Certain Counts upon the persons listed below by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago.



CHRISTOPHER GRANT

SERVICE LIST:

Mr. Mark Larose
Ms. Clarissa Grayson
Larose & Bosco, Ltd.
200 N. La Salle Street, #2810
Chicago, IL 60601

Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph
Chicago, Illinois 60601 [via hand delivery]
[without exhibits]