

ILLINOIS POLLUTION CONTROL BOARD
June 15, 2006

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

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 04-207
) (Enforcement – Land)
 EDWARD PRUIM and ROBERT PRUIM,) (consolidated)
)
 Respondents.)

ORDER OF THE BOARD (by G.T. Girard):

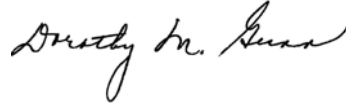
On April 20, 2006, the Board denied a motion for summary judgment filed by respondents Robert Pruum and Edward Pruum (jointly the Pruims), concerning the May 21, 2004 nineteen-count complaint filed against them in docket PCB 04-207. The allegations in the complaint revolve around the Pruims' management, operation, and ownership of Community Landfill Company (CLC) and the Morris Community Landfill in Morris, Grundy County. On May 30, 2006, the Pruims filed a motion to reconsider that decision, again arguing facts related to their lack of personal involvement in CLC's day-to-day operations. Complainant filed a response in opposition on June 6, 2006.

In ruling on a motion for reconsideration, the Board will consider factors including new evidence or a change in the law, to conclude that the Board's decision was in error. 35 Ill. Adm. Code 101.902. In Citizens Against Regional Landfill v. County Board of Whiteside, PCB 93-156 (Mar. 11, 1993), the Board observed that "the intended purpose of a motion for reconsideration is to bring to the court's attention newly discovered evidence which was not available at the time of hearing, changes in the law or errors in the court's previous application of the existing law." Korogluyan v. Chicago Title & Trust Co., 213 Ill. App. 3d 622, 627, 572 N.E.2d 1154, 1158 (1st Dist. 1992). The Board finds, as complainant argues, that the Pruims

have presented no evidence or information on a change in the law that warrants reconsideration of the Board's April 20, 2006 order. Therefore, the motion for reconsideration is denied.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 15, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board