

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

vs.

COMMUNITY LANDFILL COMPANY, INC.,

an Illinois corporation, and

the CITY OF MORRIS, an Illinois

municipal corporation,

Respondents.

PCB No. 03-191  
(Enforcement-Land)

to: Mr. Mark La Rose  
La Rose & Bosco  
200 N. La Salle Street, #2810  
Chicago, Illinois 60601

Mr. Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph,  
Chicago, IL 60601

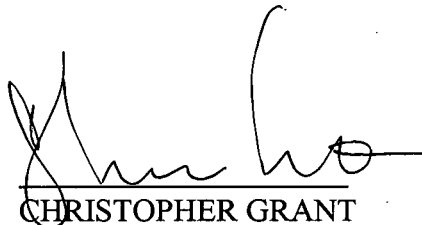
Mr. Charles Helsten  
Hinshaw & Culbertson  
100 Park Avenue  
Rockford IL 61105-1389

Mr. Scott Belt  
105 East Main Street  
Suite 206  
Morris, Illinois 60450

**NOTICE OF FILING**

PLEASE TAKE NOTICE that we have today, May 1, 2007, filed with the Office of the Clerk of the Illinois Pollution Control Board, by electronic filing, Complainant's Renewed Motion to Set Hearing Date or Alternatively for Severance of Claims, a copy of which is attached and herewith served upon you.

BY:



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

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	)	(Enforcement-Land)
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an Illinois corporation, and	)	
the CITY OF MORRIS, an Illinois	)	
municipal corporation,	)	
	)	
Respondents.	)	

**COMPLAINANT'S RENEWED MOTION TO SET HEARING DATE OR  
ALTERNATIVELY FOR SEVERANCE OF CLAIMS**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, and renews its request, first made through Motion on February 9, 2007, that the Illinois Pollution Control Board ("Board") set a date for hearing on remedy in this matter. In the alternative, Complainant request that the Board order severance of Complainant's claims against Respondent, CITY OF MORRIS ("Morris") from its claims against Respondent, COMMUNITY LANDFILL COMPANY ("CLC") in order that hearing may go forward against Respondent Morris without further delay.

**I. RENEWAL OF MOTION**

On February 9, 2007, the State of Illinois filed its Motion to Set Hearing Date, or Alternatively for Severance of Claims. On March 15, 2007, the Board denied the State's Motion, but granted the State leave to renew its request if a hearing date was not established at the scheduled April status hearing.

On April 13, 2007, Respondent CLC filed a letter from Mr. Edward Pruim's physician,

stating that, in his opinion, Mr. Pruim had not recovered from his heart surgery and that participating in a hearing would threaten his health. Aside from dates, the letter is identical to that filed on January 31, 2007 (letters attached as Exhibit A-1 and A-2). At the April 19, 2006 status, the Respondents restated their positions regarding the necessity of Mr. Pruim's testimony and opposed setting a hearing date. The State now renews its February 9, 2007 Motion, which it incorporates by reference herein.

## **II. DELAY IN HEARING IS PREVENTING EFFECTIVE ENFORCEMENT**

Neither Respondent has provided compliant closure-post closure financial assurance since 2000. The State filed its case in 2003, and moved for summary judgment in July 2005. Approximately 14 months ago, the Board granted summary judgment on liability against both Respondents,

Beginning on March 6, 2006, when it filed its Motion for an Expedited Hearing, the State has continued its efforts to complete this case and obtain a court-enforceable final order. Although the State also seeks penalties and attorney fees, the critical element in this case is the lack of ANY assurance that the Landfill will be properly closed and maintained by either Respondent.

Closure clearly needs to be initiated- Permit No. 2000-LFM-156 was issued on August 4, 2000 for development and closure of Parcel B. Also, CLC has admitted that waste was last accepted in Parcel B in 1996 ( Exhibit B). Pursuant to 35 Ill. Adm. Code 811.110 (e) and (f), closure of Parcel B should have been completed within 210 days after the last receipt of waste. Closure of Parcel B is now approximately 10 years overdue. At a minimum, the Respondents must be compelled to provide financial assurance for closure as soon as possible. The ongoing

and indefinite delay prevents the Board, and Complainant, from remedying a very significant violation.

**III. SEVERANCE WILL NOT COMPLICATE FINAL RESOLUTION OF THIS MATTER**

One option available to the Board is severance of this case for determination of remedy. The Board could order hearing against the City of Morris on an expedited basis, and consolidate hearing on remedy against CLC with the now-delayed hearing in *People v. Community Landfill Co., Robert Pruim, and Edward Pruim*, PCB 97-193/04-208 (consolidated). There would be no need for an additional hearing. Any claimed inconvenience on the part of the Respondents should be balanced against the ongoing prejudice to the State.

WHEREFORE, Complainant respectfully requests that the Board:

- 1) Order the Hearing Officer to establish a date for hearing on the issue of remedy against the Respondents;
- 2) In the alternative, order this case to be severed for hearing on remedy against each Respondent, and order the Hearing Officer to establish a date for hearing on the issue of remedy against the City of Morris;
- 3) Provide such other relief as the Board deems appropriate and just.

RESPECTFULLY SUBMITTED,

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

BY: 

Christopher Grant  
Jennifer Tomas  
Assistant Attorneys General  
Environmental Bureau  
69 W. Washington, #1800  
Chicago, Illinois 60601  
(312) 814-5388  
(312) 814-0609

**RECEIVED**  
CLERK'S OFFICE

JAN 31 2007

STATE OF ILLINOIS  
Pollution Control BoardCardiovascular Consultants, LLP

January 30, 2007

Ms. Clarissa Cutler Grayson  
LaRose & Bosco, Ltd.  
200 N. LaSalle Street, Suite 2810  
Chicago, IL 60602

Re: Edward Pruim

Dear Ms. Grayson:

I am a cardiovascular physician and have practiced medicine for 20 years. I have treated Edward Pruim for approximately the last five months and am very familiar with his medical history and his current condition.

Mr. Pruim recently underwent emergency quintuple bypass surgery, which was complicated by the presence of an aortic aneurysm. Mr. Pruim was hospitalized from August 26 - September 9, 2006 in both Palos Community Hospital and Christ Hospital. I performed an angiogram and examined him numerous times during this hospitalization. Mr. Pruim was readmitted to Christ Hospital on September 11, 2006 with a blood clot on his lung. After receiving treatment for this condition, he was released on September 17, 2006.

I have treated Mr. Pruim regularly since his quintuple bypass surgery. I recently examined Mr. Pruim on January 4, 2007. Based on this recent examination, in my professional opinion, Mr. Pruim has still not fully recovered from the quintuple bypass surgery and the blood clot in his lung and is currently unable to prepare for or participate in any legal matters. It is further my opinion that the stress that he would undergo at this time in order to prepare for, testify in or attend legal proceedings could have serious and adverse effects on his health as well as have a negative impact on his future recovery.

In summary, I advise you that in my opinion Mr. Pruim continues to be physically unable to either prepare for or participate in legal proceedings at this time. I recommend that his ability to do so again be evaluated in several months.

Thank you. If you have any further questions for me, please do not hesitate to contact me.

Sincerely,

Daniel A. Rowan, D.O., FACP, FACC

**EXHIBIT**

tabbies

A - 1



## Cardiovascular Consultants, LLP

April 5, 2007

Ms. Clarissa Cutler Grayson  
LaRose & Bosco, Ltd.  
200 N. LaSalle Street, Suite 2810  
Chicago, IL 60602

THOMAS J. QUINN, M.D., F.A.C.C., F.A.C.P.  
JOSEPH W. MULARCZYK, M.D., F.A.C.C.  
DANIEL A. ROWAN, D.O., F.A.C.C., F.A.C.P., F.S.C.A.I.  
EVANS P. PAPPAS, M.D., F.A.C.C.  
CHRISTOPHER J. SULLIVAN, M.D., F.A.C.C.

**Re: Edward Pruim**

Dear Ms. Grayson:

I am a cardiovascular physician and have practiced medicine for 20 years. I have treated Edward Pruim for approximately the last seven (7) months and am very familiar with his medical history and his current condition.

Mr. Pruim recently underwent emergency quintuple bypass surgery, which was complicated by the presence of an aortic aneurysm. Mr. Pruim was hospitalized from August 26 - September 9, 2006 in both Palos Community Hospital and Christ Hospital. I performed an angiogram and examined him numerous times during this hospitalization. Mr. Pruim was readmitted to Christ Hospital on September 11, 2006 with a blood clot on his lung. After receiving treatment for this condition, he was released on September 17, 2006.

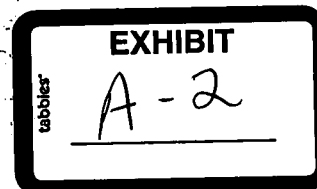
I have treated Mr. Pruim regularly since his quintuple bypass surgery. I recently examined Mr. Pruim on March 29, 2007. Based on this recent examination, in my professional opinion, Mr. Pruim has still not fully recovered from the quintuple bypass surgery and the blood clot in his lung and is currently unable to prepare for or participate in any legal matters. It is further my opinion that the stress that he would undergo at this time in order to prepare for, testify in or attend legal proceedings could have serious and adverse effects on his health as well as have a negative impact on his future recovery.

In summary, I advise you that in my opinion Mr. Pruim continues to be physically unable to either prepare for or participate in legal proceedings at this time. I recommend that his ability to do so again be evaluated in several months.

Thank you. If you have any further questions for me, please do not hesitate to contact me.

Sincerely,

Daniel A. Rowan, D.O., FACP, FACC



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an Illinois municipal corporation, )  
)  
Respondents. )

**RESPONDENT COMMUNITY LANDFILL  
COMPANY INC'S RESPONSE TO COMPLAINANT'S SECOND SET OF  
INTERROGATORIES AND REQUEST FOR THE PRODUCTION OF DOCUMENTS**

NOW COMES Respondent Community Landfill Company, Inc., ("CLC" or "Respondent"), by and through its attorneys LaRose & Bosco, Ltd., and in response to Complainant's Second Set of Interrogatories and Request for the Production of Documents as follows:

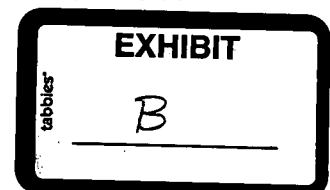
**INTERROGATORIES**

**Interrogatory No. 19**

For each calendar year from 2000 to the present, state the amount of Waste, in Cubic yards and tons, brought to and deposited in parcel A of the landfill. For the year 2005, state year-to-date volume and weight, and specify the last applicable date. If no information is available by parcel, state the total amount of Waste deposited in the landfill.

**ANSWER:**

No "waste" has been deposited, disposed or dumped in Parcel A after permit nos. 2000-438, 2001-012 and 2001-051 were denied and further relief subsequently denied by the Illinois Pollution Control Board, the Third District Appellate Court of Illinois, and the Illinois Supreme Court. However, CLC has continued to accept contaminated soil at Parcel A to be used as cover.





2000 191,462  
2001 164,620  
2002 87,869  
2003 21,890  
2004 41,117  
2005 25,230 (through Nov. 2005)

**Interrogatory No. 20**

For each calendar year from 2000 to the present, state the amount of Waste, in cubic yards and tons, brought to and deposited in parcel B of the landfill. For the year 2005, state year-to-date volume and weight, and specify the last applicable date.

**ANSWER:**

Zero (0). Material was last accepted at Parcel B in 1996.

**Interrogatory No. 21**

For each calendar year from 2000 to the present, state the total sum, in dollars, paid to Respondent CLC by any person(s) for disposal, deposit, or dumping of Waste at the landfill.

**ANSWER:**

No material has been placed in Parcel B since 1996. No "waste" has been deposited, disposed or dumped in Parcel A after permit nos. 2000-438, 2001-012 and 2001-051 were denied and further relief subsequently denied by the Illinois Pollution Control Board, the Third District Appellate Court of Illinois and the Illinois Supreme Court. However, CLC has continued to accept contaminated soil at Parcel A to be used as cover.

**VERIFICATION**

I, Robert Pruim, being first duly sworn on oath, depose and state as follows:

1. I am the President of Community Landfill Company, Inc.
2. I have read the foregoing Respondent Community Landfill Company, Inc.'s Response to Complainant's Second Set of Interrogatories and Request for the Production of Documents and state that the answers therein are true and correct to the best of my knowledge and belief.

Robert Pruim  
Robert Pruim

SUBSCRIBED TO AND SWORN TO

Before me this 28<sup>th</sup> day of  
February, 2006.



*Mary Karson*

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

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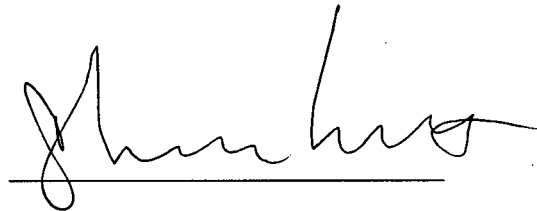
Respondents.

PCB No. 03-191

(Enforcement-Land)

**CERTIFICATE OF SERVICE**

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 1<sup>st</sup> day of May, 2007, the foregoing Renewed Motion to Set Hearing Date or Alternatively for Severance of Claims, and Notice of Filing, upon the persons listed on said Notice by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago Illinois.

A handwritten signature in black ink, appearing to read 'Christopher Grant', is written over a horizontal line.

CHRISTOPHER GRANT