

Electronic Filing - Received, Clerk's Office, August 20, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

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


To: **(Via Electronic Filing)**
Clarissa Y. Cutler
Attorney at Law
155 North Michigan Avenue, Suite 375
Chicago Illinois 60601

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, August 20, 2008, filed with the Office of the Clerk of the Illinois Pollution Control Board, by electronic filing, Complainant's Witness and Exhibit List and a joint-party Allegation and Liability Table.

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

By: 
JENNIFER A. VAN WIE
CHRISTOPHER GRANT
Assistant Attorneys General
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WITNESS AND EXHIBIT LIST

People v. Community Landfill Company, PCB 97-193

People v. Edward and Robert Pruim, PCB 04-207

Complainant's Witnesses

1. Warren Weritz, IEPA
2. Tina Kovasznay, IEPA
3. Christine Roque, IEPA
4. Ellen Robinson, IEPA
5. Blake Harris, IEPA
6. Dr. John Nosari or Gary Styzens, IEPA
7. Rico Vallejera, Jr., IEPA
8. Brian White, IEPA
9. Robert Pruim
10. Edward Pruim
11. James Pelnarsh, Sr.
12. John Enger, City of Morris

Complainant's Exhibits

1. All permit applications, whether original, supplemental, or requesting a significant modification, and the addendum thereto submitted by CLC to the Illinois EPA from 1989 through 2000.
2. All Illinois EPA permits granted to CLC and the City of Morris from 1989 to the present for the Morris Community Landfill.
3. First Midwest Letter of Credit No. 486, dated March 12, 1991.
4. Amendment to Letter of Credit No. 486, dated May 22, 1992.
5. Trust Agreement Number 1010-00210-6, First Midwest Trust, April 23, 1991.
6. First Midwest Trust "Investment Review for the account of Community Landfill Company, as of December 31, 1992".
7. First Midwest Trust "Investment Review for the account of Community Landfill Company, as of December 31, 1994".
8. Letter from Midwest Bank dated May 19, 1995, notifying Illinois EPA that Letter of Credit expired on April 12, 1995.
9. June 19, 1998 cover letter for transmission of Bond No. 91507 for \$1,342,500, informing and requesting release of trust fund monies.

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10. July 1, 1996 John Taylor letter releasing Trust Fund to CLC.
11. September 1, 1999 letter from Michael McDermont, Andrews Environmental Engineering, Inc., with attached correspondence from T.J. Adams & Associates relating to July 1, 1996 John Taylor letter releasing Trust Fund to CLC.
12. Cover letter for transmission on rider to Bond No. 91507 increasing penal sum to \$1,439,720, effective September 2, 1999.
13. Illinois EPA field inspection reports for the following inspection dates:
 - a. August 18, 1993;
 - b. April 7, 1994;
 - c. May 26, 1994;
 - d. August 29, 1994;
 - e. March 22, 1995;
 - f. May 22, 1995;
 - g. November 7, 1995;
 - h. July 11, 1996;
 - i. March 5, 1997;
 - j. July 28, 1998;
 - k. November 19, 1998;
 - l. March 31, 1999;
 - m. May 11, 1999;
 - n. July 20, 1999;
 - o. September 7, 1999; and
 - p. April 4, 2000.
14. KMS Morris Power, Inc. Monthly Operating Report for Morris Community Landfill site.
15. Revised Cost Estimate submitted on August 5, 1996.
16. Landfill Capacity Certification Forms submitted by or on behalf of CLC and the City of Morris on or around April 1, 1989, April 1, 1990, April 19, 1993, January 18, 1995, January 15, 1996, February 7, 1997, January 1, 1998, January 1, 1999, January 1, 2001, January 1, 2002, and January 1, 2003.
17. "Nonhazardous Solid Waste Management and Landfill Capacity in Illinois", reports prepared by Illinois EPA, Bureau of Land, for the years 1996 through 2001.
18. "Available Disposal Capacity for Solid Waste in Illinois", annual reports for the years 1990 through 1995.
19. All discovery responses and documents produced by CLC in response to discovery requests issued by the Complainant.

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20. Deposition transcripts for the following persons:
 - a. Edward Pruim
 - b. Robert Pruim
 - c. James Pelnarsh, Sr.
21. Economic benefit calculation prepared by Chris Roque dated January 21, 2003 with attachments.
22. John Taylor report on economic benefit of financial assurance non-compliance.
23. U.S. Income Tax Returns, and all schedules attached thereto, submitted for CLC for the calendar years 1993 through 1999.
24. June 19, 1996 letter from Mark LaRose to John Taylor, with attachments, notifying Illinois EPA of replacement of financial assurance.
25. March 18, 1991 LPC-PA15 notice to Illinois EPA signed by Edward Pruim.
26. March 4, 1997 letter from Julie Melvin to Mark LaRose with attachments.

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PEOPLE V. CLC & EDWARD AND ROBERT PRUIM

<i>People v. CLC</i> PCB 97-193 2 nd Amended Complaint Count No.	<i>People v. Edward and Robert Pruim</i> PCB 04-207 Count No.	Allegation	What needs to be proven for each count
I	I	Failure to adequately manage refuse & litter	Liability & penalty for CLC and Pruims
II	II	Failure to prevent or control leachate flow	Liability & penalty for CLC and Pruims
III	III	Failure to properly dispose of landscape waste	CLC – penalty only Pruims – liability & penalty
IV	IV	Failure to provide and maintain financial assurance pursuant to April 20, 1993 permit	CLC – penalty only Pruims – liability & penalty
V	V	Failure to timely file the required application for a Significant Modification	CLC – penalty only Pruims – liability & penalty
VI	VI	Water Pollution	Liability & penalty for CLC and Pruims
VII	VII	Depositing waste in unpermitted portions of landfill (Parcel B)	CLC – penalty only Pruims – liability & penalty
VIII	VIII	Conducting a waste disposal operation without a permit	CLC - penalty only Pruims – liability & penalty
IX	IX	Open dumping	CLC – penalty only Pruims – liability & penalty

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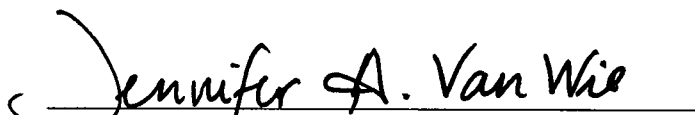
<i>People v. CLC PCB 97-193 2nd Amended Complaint Count No.</i>	<i>People v. Edward and Robert Pruim PCB 04-207 Count No.</i>	Allegation	What needs to be proven for each count
X	X	Violating Standard Operating Permit 1989-005-SP Condition #3 (permit modification and supplemental permit)	CLC – penalty only Pruims – liability & penalty
XII	XI	Conducting a waste disposal operation without a permit (Parcel A)	CLC - Dismissed Pruims -liability & penalty *The Complainant plans to dismiss this count against the Pruims*
XIII	XII	Improper disposal of waste tires	CLC – penalty only Pruims – liability & penalty
XIV	XIII	Violating Standard Operating Permit 1989-005-SP Condition #13 (temporary fencing)	CLC – penalty only
XV	XIV	Violating Standard Operating Permit 1996-240-SP Condition #1 (operation of gas control)	CLC – liability & penalty
XVI	XV	Violation of Standard Operating Permit 1996-240-SP Condition #9 (erosion, ponding, & cracks)	CLC – penalty only
XVII	XVI	Violation of Standard Operating Permit 1996-240-SP Condition #11 (leachate disposal)	CLC – liability & penalty

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<i>People v. CLC</i> PCB 97-193 2 nd Amended Complaint Count No.	<i>People v. Edward and Robert Pruim</i> PCB 04-207 Count No.	Allegation	What needs to be proven for each count
XIX	XVII	Failure to provide and maintain financial assurance pursuant to Oct. 24, 1996 permit (Violation of Permit 1996-240-SP, Condition #13)	<p>Partial Summary Judgment granted in Complainant's favor against CLC:</p> <p>(a) CLC liable in part for failing to increase financial assurance from \$1,342,500 to \$1,431,600 by January 22, 1997</p> <p>CLC - hearing on penalty Pruims - hearing on penalty and liability</p> <p>-----</p> <p>(b) Alleges Respondents did not increase financial assurance to \$1,439,720 before operation of gas system -- hearing as to when gas system began operating.</p> <p>Liability & penalty for CLC and Pruims</p>
XX	XVIII	Violation of Standard Operating Permit 1989-005-SP Condition #17 (caused or allowed placement of leachate in areas not certified or approved by the IEPA)	CLC – liability & penalty
XXI	XIX	Failure to provide revised cost estimate by December 26, 1994	CLC – penalty only Pruims – liability & penalty

CERTIFICATE OF SERVICE

I, JENNIFER A. VAN WIE, an Assistant Attorney General, do certify that I caused to be served this 20th day of August, 2008, the foregoing Notice of Filing, Witness and Exhibit List, and joint-party Allegation and Liability Table, upon the persons listed on said Notice via facsimile and electronic mail.



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