

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )

Complainant, )

vs. )

COMMUNITY LANDFILL COMPANY, )  
INC., )

Respondent. )

PCB No. 97-193  
(Enforcement – Land)  
(consolidated)

PEOPLE OF THE STATE OF ILLINOIS, )

Complainant, )

vs. )

EDWARD PRUIM and ROBERT PRUIM, )

Respondents. )

PCB No. 04-207  
(Enforcement – Land)

**NOTICE OF ELECTRONIC FILING**

TO: Mr. Christopher Grant  
Environmental Bureau  
Assistant Attorney General  
69 W. Washington, 18th Floor  
Chicago, Illinois 60602  
[cgrant@atg.state.il.us](mailto:cgrant@atg.state.il.us)

Mr. Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
[hallorab@ipcb.state.il.us](mailto:hallorab@ipcb.state.il.us)

**PLEASE TAKE NOTICE** that on **APRIL 23, 2012**, the undersigned caused to be electronically filed with Mr. John Therriault, Clerk of the Illinois Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601, **RESPONDENTS COMMUNITY LANDFILL COMPANY, INC., ROBERT PRUIM AND EDWARD PRUIM'S EXPEDITED MOTION FOR THE BOARD TO CHANGE THE MAY 7, 2012 PENALTY PAYMENT DEADLINE IN ITS APRIL 5, 2012 OPINION AND ORDER TO A DATE AFTER MAY 15, 2012**, a copy of which is attached and hereby served upon you.

/s/ Mark A. LaRose  
Mark A. LaRose, Attorney for Respondents

Mark A. LaRose  
LaRose & Bosco, Ltd.  
200 N. LaSalle Street, Suite 2810  
Chicago IL 60601  
(312) 642-4414  
Atty. No. 37346

**THIS FILING IS SUBMITTED ON RECYCLED PAPER.**

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	)	(Enforcement – Land)
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**RESPONDENTS COMMUNITY LANDFILL COMPANY, INC.,  
EDWARD PRUIM AND ROBERT PRUIM'S EXPEDITED MOTION FOR THE BOARD  
TO CHANGE THE MAY 7, 2012 PENALTY PAYMENT DEADLINE IN ITS  
APRIL 5, 2012 OPINION AND ORDER TO A DATE AFTER MAY 15, 2012**

Respondents, Community Landfill Company, Inc., Edward Pruim and Robert Pruim, 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 May 7, 2012 penalty payment deadline in its April 5, 2012 Opinion and Order to a date after May 15, 2012, and in support hereof states as follows:

1. The Board adopted its Opinion and Order in this case on April 5, 2012, and the Respondents received the Order on April 10, 2012.

2. In its Opinion and Order, the Board ordered Respondent Community Landfill Company, Inc. to pay a civil penalty of \$25,000, and ordered Respondents Community Landfill Company, Edward and Robert Pruum, jointly and severally, to pay a civil penalty of \$225,000 no later than May 7, 2012.

3. The Respondents have 35 days after receipt of a final Board order to file a motion for reconsideration before the Illinois Pollution Control Board, *see* 35 Ill. Adm. Code 101.520(a), and/or an appeal to the Third District Appellate Court, *see* 415 ILCS 5/41(a).

4. The filing of a motion for reconsideration stays the effect of the final order until final disposition of the motion. *See* 35 Ill. Adm. Code 101.520(c).

5. As the Board's Opinion and Order currently stands, the May 7, 2012 penalty deadline precedes and conflicts with the May 15, 2012 filing deadline.

6. If the May 7, 2012 penalty deadline stands as is, the Respondents would be required to pay \$250,000 prior to the deadline of the filing of their motion for reconsideration or appeal.

7. The Board's Opinion and 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 reconsider and Respondents would be deprived of the stay that would automatically accompany their motion for reconsideration.

8. In order for the Respondents to be given the required and allowable time provided under the statute to file their motion to reconsider, and so that the Board's Order and Opinion is stayed until final disposition of the Respondents' motion for reconsideration, it will be necessary for the Board to amend the deadline for payment of the \$250,000.00 penalty until a date after May 15, 2012.

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

10. On April 23, 2012, the undersigned counsel for respondent spoke to counsel for complainant, Chris Grant, who advised he has no objection to this motion.

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

12. 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 May 7, 2012 penalty payment deadline in its April 5, 2012 Opinion and Order to a date after May 15, 2012.

Respectfully submitted,

/s/ Mark A. LaRose  
Attorneys for Respondents

Mark A. LaRose  
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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 FOR THE BOARD TO CHANGE THE MAY 7, 2012 PENALTY PAYMENT DEADLINE IN ITS APRIL 5, 2012 OPINION AND ORDER TO A DATE AFTER MAY 15, 2012**, 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 23<sup>RD</sup> day of April, 2012, addressed as follows:

**By U.S. Mail and email**

Christopher Grant  
Environmental Bureau  
Assistant Attorney General  
69 W. Washington, 18th Floor  
Chicago, Illinois 60602  
[cgrant@atg.state.il.us](mailto:cgrant@atg.state.il.us)

**By U.S. Mail and email**

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
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/s/ Mark A. LaRose  
One of Respondents' Attorneys

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