

ILLINOIS POLLUTION CONTROL BOARD
October 17, 2006

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)
COMMUNITY LANDFILL COMPANY,)	(Consolidated)
INC.,)	
)	
Respondent.)	

HEARING OFFICER ORDER

On September 22, 2006, respondents Robert Pruum and Edward Pruum (Pruum) filed a motion to cancel the hearing in this matter previously scheduled for December 11, 12, 13, and 14, 2006. On September 27, 2006, the complainant filed a response requesting that the motion be denied in part, and requested the imposition of conditions contained therein. A telephonic status conference was held on October 5, 2006, where arguments regarding the motion to cancel were entertained. The motion was taken under advisement. Today's order grants Pruum's motion and cancels the hearing.

Pruum's Motion To Cancel Hearing

The Pruum's represent in their motion that Edward Pruum, the secretary and treasurer of Community Landfill Company Inc. (CLC), underwent emergency quintuple bypass surgery that was complicated by the presence of an aortic aneurism. Edward Pruum was hospitalized from August 26, 2006 to September 9, 2006. Edward Pruum was readmitted to the hospital on September 11, 2006, with a blood clot on his lung. Edward Pruum was released on September 17, 2006. The motion represents that Edward Pruum is recovering at his home and is receiving continued treatment for the blood clot and heart condition. Pruums' attachments to their motion include an affidavit from Pruums attorney and letters from Dr. Daniel Rowan,

Edward Pruim's cardiologist and Dr. Timothy Wollner, Edward Pruim's family physician. Both physicians state that Edward Pruim should not undergo any stressful work-related activities for at least five to six months. The prohibited activities include any participation by way of testimony or preparation for the hearing. Finally, both physicians recommend that Edward Pruim's physical condition be reviewed again in March 2007, to ascertain whether he can partake in a hearing.

Complainant's Response

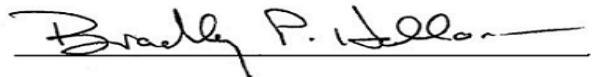
First, complainant states that one option would be to sever this consolidated matter. Next complainant requests that Edward Pruim's health be re-evaluated on or about December 1, 2006, that evaluation be provided in the form of an affidavit, and that the submitting physician be available for deposition by the complainant. Finally, complainant requests that a tentative hearing date be established at this time for no later than March 1, 2007.

Discussion

After reviewing the motion to cancel, the response and taking oral arguments into consideration, I find good cause to grant the Pruiims' motion. Due to the issues that need to be addressed at hearing, it is undisputed that Edward Pruim needs to be present and available to testify at the hearing. Additionally, I find that the Priums' motion to cancel was not the result of their lack of diligence. The hearing in this consolidated matter previously scheduled for December 11, 12, 13, and 14, 2006, is hereby cancelled.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on December 7, 2006, at 1:00 p.m. The telephonic status conference must be initiated by the complainant, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matters and their readiness for hearing.

IT IS SO ORDERED.



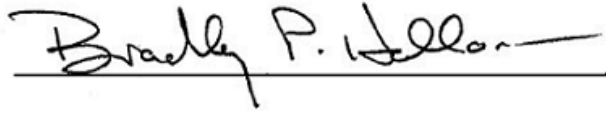
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on October 18, 2006, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on October 18, 2006:

Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

Bradley P. Halloran
Hearing Officer
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