

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. ) PCB No. 03-191  
) (Enforcement)  
COMMUNITY LANDFILL COMPANY, )  
INC., an Illinois corporation, and )  
the CITY OF MORRIS, an Illinois )  
municipal corporation, )  
)  
Respondents. )

**NOTICE OF FILING**

TO: Christopher Grant	Bradley Halloran
Environmental Bureau	Hearing Officer
Assistant Attorney General	Illinois Pollution Control Board
69 West Washington	100 West Randolph
18th Floor	Suite 11-500
Chicago, Illinois 60608	Chicago, Illinois 60601
Charles F. Helsten	Scott Belt
Hinshaw & Culbertson, LLP	Scott Belt and Associates, PC
100 Park Avenue	105 East Main Street
P.O. Box 1389	Suite 206
Rockford, Illinois 61105-1389	Morris, Illinois 60450

**PLEASE TAKE NOTICE** that on **May 18<sup>th</sup>, 2007**, the undersigned caused to be filed electronically before The Illinois Pollution Control Board **COMMUNITY LANDFILL COMPANY'S RESPONSE TO THE PEOPLE OF THE STATE OF ILLINOIS' RENEWED MOTION TO SET HEARING DATE OR, ALTERNATIVELY, FOR SEVERANCE OF CLAIMS**, with Ms. Dorothy Gunn, Clerk of the Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, a copy of which is attached and hereby served upon you.



One of the Attorneys for Community Landfill Co.

Mark A. LaRose  
Clarissa C. Grayson  
LAROSE & BOSCO, LTD.  
Attorney No. 37346  
200 North LaSalle Street, Suite 2810  
Chicago, Illinois 60610  
(312) 642-4414

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

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PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
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v.	)	PCB No. 03-191
	)	(Enforcement)
COMMUNITY LANDFILL COMPANY, INC.,	)	
an Illinois corporation, and the CITY OF MORRIS,	)	
an Illinois municipal corporation,	)	
	)	
Respondents.	)	

**COMMUNITY LANDFILL COMPANY'S RESPONSE TO THE PEOPLE OF THE  
STATE OF ILLINOIS' RENEWED MOTION TO SET HEARING DATE OR,  
ALTERNATIVELY, FOR SEVERANCE OF CLAIMS**

COMMUNITY LANDFILL COMPANY, INC., ("CLC") by and through its attorneys,  
LAROSE & BOSCO, LTD., hereby respond to the Complainant PEOPLE OF THE STATE OF  
ILLINOIS' ("People" or "Complainant") Renewed Motion to Set Hearing Date or, Alternatively, for  
Severance of Claims, and in support thereof, states as follows:

**INTRODUCTION**

This response is timely filed pursuant to 35 Ill.Admin. Code 101.500(d) which allows a party  
14 days after service of a motion to file a response. Complainant's Renewed Motion to Set Hearing  
Date or, Alternatively, for Severance of Claims ("Motion"), filed on May 1, 2007, seeks relief which  
is not justified since there is no imminent threat to the environment and granting the motion would  
result in prejudice to CLC. For the reasons set forth below, Complainant's motion is inappropriate  
and premature, and granting it would result in prejudice to the defendants. Complainant's motion  
should be denied.

**ARGUMENT**

**A. No Imminent Threat to the Environment Exists**

On March 15, 2007, the Board denied the Complainant's first Motion to Set Hearing Date or, Alternatively, for Severance of Claims. However, even though no evidence was presented, the Board stated in its Order that: "[b]ased on the alleged and undisputed existence of deteriorating conditions, upon receipt of a renewed motion from the People the Board will consider directing the hearing officer to schedule a hearing, with or without the availability of Mr. Edward Pruim, as expeditiously as possible after the April 13, 2007 status conference."

The People's motion does not contain any suggestion, let alone evidence, of deteriorating conditions at the landfill or the existence of any imminent danger to human health or to the environment. However, on April 10-11, 2007, less than one month before the People filed the instant motion, the Honorable Robert C. Marsaglia, Circuit Court Judge, Grundy County, heard evidence on this very topic and clearly recognized that no such conditions exist. (See City of Morris Response, Exh. B). The People's Renewed Motion to Set Hearing Date or Alternatively, for Severance of Claims should be denied because Morris Community Landfill does not present any imminent danger to human health or to the environment.

**B. CLC will be Prejudiced if the Hearings are Severed**

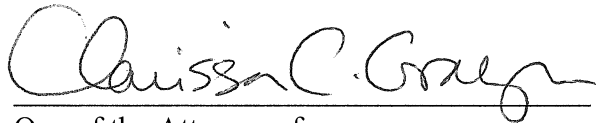
The City has indicated it may call Community Landfill Company principals Robert Pruim and Edward Pruim as witnesses. If the hearing is severed as to the defendants, both the City, CLC and their witnesses would have to participate twice, resulting in a tremendous waste of resources for all concerned, including those of the State and the Board. In the interest of judicial economy, it is crucial to conduct this hearing so that all involved, including non-party witnesses, are afforded a complete and full hearing on all issues at the same time. The People's Renewed Motion to Set

Hearing Date or Alternatively, for Severance of Claims should be denied because CLC, among others, would be prejudiced if forced to participate twice.

WHEREFORE, based on the foregoing, and for the additional reasons set forth in the City of Morris' Response filed on May 17, 2007, COMMUNITY LANDFILL COMPANY, INC. respectfully requests that the Illinois Pollution Control Board DENY Complainant's Renewed Motion to Set Hearing Date or, Alternatively, for Severance of Claims.

Respectfully submitted,

By:

A handwritten signature in cursive script, appearing to read "Clarissa C. Grayson", written over a horizontal line.

One of the Attorneys for  
COMMUNITY LANDFILL COMPANY

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**CERTIFICATE OF SERVICE**

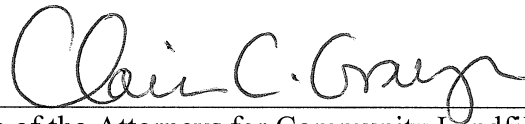
I, Clarissa C. Grayson, an attorney hereby certify that I caused to be served a copy of the foregoing **COMMUNITY LANDFILL COMPANY'S RESPONSE TO THE PEOPLE OF THE STATE OF ILLINOIS' RENEWED MOTION TO SET HEARING DATE OR ALTERNATIVELY, FOR SEVERANCE OF CLAIMS** by placing same in first-class postage prepaid envelopes and depositing same in the U.S. Mail Box located at 200 North LaSalle Street, Chicago, Illinois, this **18<sup>th</sup>** day of **May 2007**, addressed as follows:

Christopher Grant  
Environmental Bureau  
Assistant Attorney General  
188 West Randolph Street  
20th Floor  
Chicago, Illinois 60601

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
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