

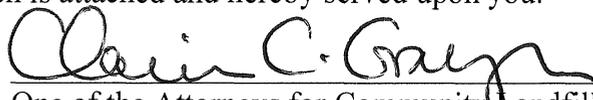
**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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 29<sup>th</sup>, 2007**, the undersigned caused to be filed electronically before The Illinois Pollution Control Board **RESPONDENT COMMUNITY LANDFILL COMPANY, INC.'S MOTION FOR RECONSIDERATION OF THE ILLINOIS POLLUTION CONTROL BOARD'S ORDER DATED MAY 17, 2007**, 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

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municipal corporation, )  
)  
Respondents. )

**RESPONDENT COMMUNITY LANDFILL COMPANY, INC.'s**  
**MOTION FOR RECONSIDERATION OF THE ILLINOIS POLLUTION CONTROL**  
**BOARD'S ORDER DATED May 17, 2007**

Respondent COMMUNITY LANDFILL COMPANY, INC., ("CLC") by and through its attorneys LaRose & Bosco, Ltd. and pursuant to 35 Ill.Adm. Code 101.520(b), hereby moves the Illinois Pollution Control Board for reconsideration of its final order dated May 17, 2007 and in support thereof, states as follows:

1. This motion is timely filed pursuant to 35 Ill.Adm.Code 101.520(a) which allows a motion for reconsideration to be filed within 35 days after receipt of the order, which Respondent CLC received on May 22, 2007.

2. On May 1, 2007, the People of the State of Illinois, by and through the Office of the Attorney General, filed a Renewed Motion to Set Hearing Date or Alternatively, for Severance of Claims. Respondent CLC was served with the Motion via U.S. Mail on Friday, May 4, 2007. CLC filed its Response two (2) weeks later, on Friday, May 18, 2007, which is within the time frame established by the Board's rules.

3. However, prior to receiving and reviewing CLC's timely filed Response (or the response filed by respondent City of Morris), the Board ruled on the People's motion in its order dated May 17, 2007. CLC therefore seeks reconsideration of the Board's Order since it apparently did not consider CLC's arguments (or those presented by the City of Morris) against granting the People's Motion.

4. In brief, and without re-arguing the merits, CLC set forth in its Response, its reasons why the People's Motion should be denied. First, as argued by both CLC and the City of Morris, the current condition of the landfill poses no imminent threat to the environment. This is uncontroverted by the People. In fact, as set forth in the Responses filed by both CLC and the City of Morris, the Honorable Robert C. Marsaglia, Circuit Court Judge, Grundy County found against the People after hearing evidence that no such condition exists at the landfill.

5. Second, CLC will be prejudiced if the Hearing is scheduled and the City calls Edward Pruim as a witness. As the Board is well aware, Mr. Pruim has still not received clearance from his cardiologist to participate in any legal proceedings following his quintuple bypass surgery in fall 2006. CLC has complied with every Board and Hearing Officer order to have Mr. Pruim's physical condition evaluated by his physician. CLC and the other parties will be prejudiced if forced to litigate these matters twice.

6. The People have presented no reason substantiated by evidence to justify scheduling this hearing while one of the witnesses is unavailable to testify. On the contrary, to force CLC to litigate the present matter twice exposes it to the significant likelihood of duplicated efforts and testimony.

7. Without the imminent harm present, the Board should reconsider its Order dated May

17, 2007 and reverse its decision to order the hearing scheduled at the present time.

WHEREFORE, CLC respectfully requests that the Board reconsider its May 17, 2007 Order and continue the hearing in the present matter.

Respectfully Submitted,

  
\_\_\_\_\_  
Attorney for Community Landfill Company

Mark A. LaRose  
Clarissa C. Grayson  
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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 **RESPONDENT COMMUNITY LANDFILL COMPANY INC.'S MOTION FOR RECONSIDERATION OF THE ILLINOIS POLLUTION CONTROL BOARD'S ORDER DATED MAY 17, 2007** 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 29<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  
100 West Randolph  
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