

ILLINOIS POLLUTION CONTROL BOARD
October 20, 2011

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

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

ORDER OF THE BOARD (by G.T. Girard):

On September 21, 2011 the Appellate Court Third District issued a mandate in Community Landfill Co. et al. v. IPCB et al., 2011 ILApp. (3rd) 091026-U. The Court was reviewing the Board’s August 20, 2009 opinion and order finding Community Landfill Company, Inc. (CLC) and Edward Pruim and Robert Pruim (Pruims) had violated various provisions of the Environmental Protection Act (415 ILCS 5/1 et. seq. (2010)) as well as the Board’s landfill regulations and permit conditions. The Court “remanded the cause for an apportionment of the penalties.” 2011 ILApp. (3rd) 091026-U at ¶1.

The Court affirmed the Board’s decision finding the Pruims personally liable for certain violations committed by CLC. 2011 ILApp. (3rd) 091026-U at ¶56. However, the Court noted that the Board found CLC alone liable for certain violations. *Id.* at ¶60. The Court remanded the decision finding that the Board should have divided the liability for the violations so that the Pruims were not liable for a penalty accruing to CLC alone. *Id.* The Court instructed the Board:

To apportion the penalty between the violations for which CLC is liable and those for which both CLC and the Pruims are personally liable. The Board may then impose joint liability on the violations concurrent to CLC and the Pruims

individually. *Id.*, citing People v. Agpro Inc. & David Schulte, 345 Ill. App. 3d 1011, 1018, 803 N.E.2d 1007 (2nd Dist. 2004) (affirming joint and several judgment against corporate and individual defendants).

The Board directs the parties to file briefs arguing the appropriate apportionment of the penalties with the Board. The Office of the Attorney General, on behalf of the People of the State of Illinois must file an opening brief by November 18, 2011. CLC and the Pruims must file a response brief by December 16, 2011. A reply, if any, must be filed by December 30, 2011.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 20, 2011, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board