

ILLINOIS POLLUTION CONTROL BOARD

May 1, 2025

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 23-134
	)	(Enforcement - Land)
ROBERT WIETHOLDER, an individual,	)	
DESMOND JARVIS, an individual, and BOB	)	
JARVIS, an individual,	)	
	)	
Respondents.	)	

OPINION AND ORDER OF THE BOARD (by A. Tin):

On June 29, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Robert Weitholder, Desmond Jarvis, and Bob Jarvis (collectively, respondents). The complaint concerns a waste collection business operated by respondents Desmond Jarvis and Bob Jarvis on respondent Robert Weitholder's property located at 326 West Mill Street in Mendon, Adams County. In a separate stipulation, the People and Bob Jarvis now seek to settle without a hearing. Robert Wietholder and Desmond Jarvis are not parties to this stipulation. For the reasons below, the Board accepts the stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2022)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated respondents violated the following authorities:

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|------------|---|
| Count I: | Causing or allowing the consolidation of refuse at a disposal site not meeting the requirements of a sanitary landfill, and therefore causing or allowing the open dumping of waste in violation of Section 21(a) of the Act (415 ILCS 5/21(a) (2022)); |
| Count II: | Conducting a waste-disposal, waste-storage, and/or waste-treatment operation at the site without a permit granted by the Illinois Environmental Protection Agency in violation of Section 21(d)(1) of the Act (415 ILCS 5/21(d)(1) (2022)); |
| Count III: | Disposing, storing, and/or abandoning wastes at a site that does not meet the requirements of the Act and regulations promulgated under it in violation of Section 21(e) of the Act (415 ILCS 5/21(e) (2022)); |

- Count IV: Causing or allowing the open dumping of waste in violation of Section 21(a) of the Act (415 ILCS 5/21(a) (2022)) in a manner that resulted in litter, thereby violating Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2022)); and
- Count V: By causing or allowing open dumping at the site that resulted in open burning in violation of Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (2022)), and by causing or allowing the open burning of refuse at the site in a manner unapproved by the Board in violation of Section 9(c) of the Act (415 ILCS 5/9(c) (2022)), respondents caused, threatened, or allowed the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois in violation of Section 9(a) of the Act (415 ILCS 5/9(a) (2022)).

The People's complaint asked that the Board order respondents to cease and desist from any future violations of the Act that were the subject of the complaint and pay civil penalties of \$50,000 for each violation of the Act and \$10,000 for each day during which each violation continued. In addition, the People requested that the Board order respondents to pay costs including attorney, expert witness, and consultant fees.

On March 25, 2025, the People and respondent Bob Jarvis filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Quincy Herald-Whig* on April 5, 2025. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2022); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Bob Jarvis' operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2022)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Bob Jarvis admits the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2022)), which may mitigate or aggravate the civil penalty amount. The stipulation and proposed settlement reports that, "[a]fter the Respondent [Bob Jarvis] submitted financial information and based upon the representations provided by the Respondent, the Complainant has determined that the Respondent currently has no ability to pay a civil penalty." Under the proposed settlement, respondent Bob Jarvis must cease and desist from future violations of the Act and regulations that were the subject of the complaint. The People and Bob Jarvis have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.¹

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Bob Jarvis must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

IT IS SO ORDERED.

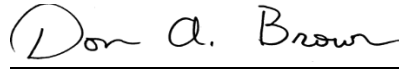
Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2022); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Illinois Attorney General's Office Attn: Bridget I. Flynn 500 South Second Street Springfield, IL 62701 Bridget.Flynn@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren St., Suite 630 Chicago, IL 60605 don.brown@illinois.gov
Bob Jarvis 222 N. Chestnut Street Mendon, IL 62351	
Desmond Jarvis 205 S. Main Street	

¹ The case against Robert Wietholder and Desmond Jarvis continues. As the Board today accepts the stipulation and proposed settlement involving the People and Bob Jarvis, the caption of subsequent orders issued in this docket will not include Bob Jarvis.

Coatsburg, IL 62355 Robert Wietholder 326 W. Mill Street Mendon, IL 62351	
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I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 1, 2025, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large initial "D".

Don A. Brown, Clerk
Illinois Pollution Control Board