

ILLINOIS POLLUTION CONTROL BOARD
June 6, 2024

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 24-4
)	(Enforcement - Land)
KIRK V. FELLER, an individual, and)	
FELLER OILFIELD SERVICE, INC., an)	
Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M.D. Mankowski):

On July 19, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a nine-count complaint against Kirk V. Feller and Feller Oilfield Service, Inc. (Respondents). The complaint concerns Respondent’s oil field services, transportation, road grading and excavating company located at 1008 West Cumberland Road, Saint Elmo, Fayette County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

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 the Act and Board regulations as follows:

Count I: Section 21(a) of the Act, 415 ILCS 5/21(a) (2022), by causing or allowing the open dumping of waste.

Count II: Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022), by causing or allowing the open dumping of waste in a manner that resulted in litter.

Count III: Section 21(d)(1) of the Act, ILCS 5/21(d)(1) (2022), by conducting a waste disposal operation without a permit granted by Illinois EPA.

Count IV: Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2022), by conducting a waste disposal operation in violation of a regulation adopted by the Board under the Act.

Count V: Section 21(e) of the Act, 415 ILCS 5/21(e) (2022), by disposing, storing, and/or abandoning wastes.

Count VI: Section 55(a)(5) of the Act, 415 ILCS 5/55(a)(5) (2022), by abandoning, dumping and/or disposing of used and/or waste tires.

Count VII: Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), by causing, threatening, or allowing the discharge of waste into the environment so as to cause or tend to cause water pollution.

Count VIII: Section 12(d) of the Act, 415 ILCS 5/12(d) (2022), by depositing contaminants upon the land so as to create a water pollution hazard.

Count IX: Section 21(p)(4) of the Act, 415 ILCS 21(p)(4) (2022), by causing or allowing the open dumping of waste at the Site in a manner which resulted in the deposition of waste in standing or flowing waters.

On May 28, 2024, the People and Respondents 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). Under the proposed stipulation, the Respondents do not affirmatively admit the alleged violations and agree to pay a civil penalty of \$50,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2022); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 6, 2024, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board