

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL, Attorney General	)	
of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 25-
	)	(Enforcement – Land)
JERRY STAFFORD, an individual, and	)	
SAMSON’S WHITETAIL MOUNTAIN, LLC,	)	
an Illinois limited liability company,	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, Request for Relief from Hearing Requirement, and Stipulation and Proposal for Settlement, copies of which are attached and hereby served upon you. **You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.**

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk’s office, or an attorney.

NOTIFICATION – YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1 *et seq.*] to correct the alleged violations.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
KWAME RAOUL, Attorney General of the  
State of Illinois,

By: /s/ Kevin Barnai  
Kevin Barnai, #6329422  
Assistant Attorney General  
500 South Second Street  
Springfield, IL 62701  
(217) 782-9035  
[Kevin.barnai@ilag.gov](mailto:Kevin.barnai@ilag.gov)

SERVICE LIST

For the Respondent

John R. Schneider  
Erica Johnson  
Johnson, Schneider & Ferrell, LLC  
212 N Main Street  
Cape Girardeau, MO 63701  
[erica@johnsonschneider.com](mailto:erica@johnsonschneider.com)

**CERTIFICATE OF SERVICE**

I, Cathy Formigoni, certify that on the 7<sup>th</sup> day of February 2025, I caused to be served by electronic mail the foregoing Notice of Filing, Complaint, Motion for Relief from Hearing Requirement, and Stipulation for Proposal for Settlement upon the person(s) listed below:

For the Respondent  
John R. Schneider  
c/o Erica Johnson  
Johnson, Schneider & Ferrell, LLC  
212 N Main Street  
Cape Girardeau, MO 63701  
[erica@johnsonschneider.com](mailto:erica@johnsonschneider.com)

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/ Cathy Formigoni  
\_\_\_\_\_  
Paralegal  
Environmental Bureau  
500 South Second St.  
Springfield, IL 62701  
[cathy.formigoni@ilag.gov](mailto:cathy.formigoni@ilag.gov)

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
<b>by KWAME RAOUL, Attorney General</b>	)	
<b>of the State of Illinois,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB No.</b>
	)	<b>(Enforcement – Land)</b>
<b>JERRY STAFFORD, an individual, and</b>	)	
<b>SAMSON’S WHITETAIL MOUNTAIN, LLC,</b>	)	
<b>an Illinois limited liability company,</b>	)	
	)	
<b>Respondents.</b>	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency, complains of Respondents, JERRY STAFFORD, an individual, and SAMSON’S WHITETAIL MOUNTAIN, LLC, an Illinois limited liability company, (the “Respondents”), as follows:

**COUNT I**  
**OPEN DUMPING**

1. This Complaint is brought by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2022).

2. Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2022), and is charged, *inter alia*, with the duty of enforcing the Act.

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2022), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. At all times relevant to the Complaint, Respondent JERRY STAFFORD has been a resident of Illinois. At all times relevant to the Complaint, Respondent SAMSON’S WHITETAIL MOUNTAIN, LLC has been an Illinois limited liability company in good standing and authorized to do business in the State of Illinois by the Illinois Secretary of State. Respondent JERRY STAFFORD is the registered agent and operator of Respondent SAMSON’S WHITETAIL MOUNTAIN, LLC.

5. At all times relevant to this Complaint, Respondent JERRY STAFFORD has owned the property located at 305 Palo Pinto Lane, Vienna, Johnson County, Illinois (the “Site”). At the Site, Respondent SAMSON’S WHITETAIL MOUNTAIN, LLC operates an approximately 800-acre high-fenced hunting outfit and lodge, and a taxidermy business. Respondent JERRY STAFFORD also maintains his personal residence (the “Residence”) at the Site.

6. On June 3, 2021, Illinois EPA conducted an inspection of the Site (the “June 2021 Inspection”) in connection with a search warrant obtained by the Illinois Department of Natural Resources (“Illinois DNR”).

7. During the June 2021 Inspection, Illinois EPA observed three separate locations at the Site with waste. In all, Illinois EPA observed at least eighty (80) cubic yards of waste and at least sixteen (16) used tires.

8. During the June 2021 Inspection, Illinois EPA observed a pit northwest of the Residence (the “Northwest Pit”) filled with demolition debris, fencing, ash, household trash,

hydraulic fluid, and motor oil containers. Illinois EPA observed that some of the waste at the Northwest Pit had been burned.

9. During the June 2021 Inspection, Illinois EPA observed fencing, railroad ties, plastics, and a tote of herbicide near the Northwest Pit.

10. During the June 2021 Inspection, Illinois DNR excavated the Northwest Pit and Illinois EPA took five samples of the excavated waste.

11. During the June 2021 Inspection, Illinois EPA observed an area of waste northeast of the Residence (the “Northeast Site”) filled with demolition debris, used tires, and numerous bleach bottles.

12. During the June 2021 Inspection, Illinois EPA observed a third area, a pit containing animal carcasses with visible bones and animal carcass protruding from the surface that had been covered with dirt and lime (the “Carcass Pit”).

13. During the June 2021 Inspection, Illinois EPA observed leachate discharging from the Carcass Pit and flowing downgradient into a nearby unnamed creek ( the “Unnamed Creek”) that flows into the Bay Creek watershed, which flows into Bay Creek and then into the Ohio River.

14. During the June 2021 Inspection, Illinois EPA observed animal hair within the Unnamed Creek. Illinois EPA further observed a foul odor emanating from the Unnamed Creek.

15. During the June 2021 Inspection, Illinois EPA observed used tires holding water and mosquito larvae throughout the Site.

16. During the June 2021 Inspection, Illinois EPA observed remnants of a burnt cathode ray tube (“CRT”) television (the “CRT TV”) and broken glass from the CRT TV at the Site. Illinois EPA took samples from the CRT TV glass (“CRT TV Glass”). The CRT TV Glass contained 13.2 milligrams per liter (“mg/L”) of lead.

17. On December 6, 2021, Illinois EPA reinspected the Site (“December 2021 Inspection”). During the December 2021 Inspection, Illinois EPA observed that approximately forty (40) cubic yards of waste, including but not limited to sheet metal, lumber, PVC pipe, tiling, fencing and shingles and twelve (12) used tires, some holding water, remained at the Site. The Carcass Pit remained in a similar condition as during the June 2021 Inspection, with leachate continuing to discharge into the Unnamed Creek. The CRT TV glass remained at the Site.

18. On March 9, 2022, Illinois EPA reinspected the Site (“March 2022 Inspection”). During the March 2022 Inspection, Illinois EPA observed that approximately forty (40) cubic yards of waste, including but not limited to sheet metal, lumber, PVC pipe, tiling, fencing and shingles, remained at the Site. Also remaining at the Site were approximately nine (9) used tires, many of which contained water. The Carcass Pit continued to discharge into the Unnamed Creek, and CRT TV glass remained at the Site.

19. On August 9, 2022, Illinois EPA reinspected the Site (“August 2022 Inspection”). During the August 2022 Inspection, Illinois EPA observed that the Site had been remediated.

20. Section 21(a) of the Act, 415 ILCS 5/21(a) (2022), provides as follows:

No person shall:

(a) Cause or allow the open dumping of any waste.

21. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), provides as follows:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

22. Respondent, JERRY STAFFORD, an individual, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

23. Respondent, SAMSON'S WHITETAIL MOUNTAIN, LLC, a limited liability corporation, is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

24. Section 3.535 of the Act, 415 ILCS 5/3.535 (2022), provides, in pertinent part, as follows:

"Waste" means any garbage . . . other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. . . .

25. Section 3.385 of the Act, 415 ILCS 5/3.385 (2022), provides as follows:

"Refuse" means waste.

26. The demolition debris, fencing, ash, household trash, hydraulic fluid and motor oil containers, used rubber tires, bleach bottles, railroad ties, plastics, animal carcasses, and CRT TV glass at the Site is "discarded material," and therefore "waste" as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2022), and is therefore also "refuse" as that term is defined in Section 3.385 of the Act, 415 ILCS 5/3.385 (2022).

27. Section 3.305 of the Act, 415 ILCS 5/3.305 (2022), provides as follows:

"Open dumping" means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

28. Section 3.460 of the Act, 415 ILCS 5/3.460 (2022), provides as follows:

"Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.

29. The Site is a "site" as that term is defined in Section 3.460 of the Act, 415 ILCS 5/3.460 (2022).

30. Section 3.185 of the Act, 415 ILCS 5/3.185 (2022), provides as follows:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

31. Waste was discharged, deposited, dumped, spilled, leaked, and/or placed on the land at the Site in such a manner that waste, or constituents thereof, may enter the environment, be emitted into the air, or be discharged into waters or groundwater. Therefore, “disposal” occurred on the Site, as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2022), and the Site is a “disposal site” within the meaning of the Act.

32. Section 3.445 of the Act, 415 ILCS 5/3.445 (2022), provides, in pertinent part, as follows:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580[, 42 U.S.C.A. § 6901 et seq.,] and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation.

33. Section 3.105 of the Act, 415 ILCS 5/3.105 (2022), provides as follows:

“Agency” is the Environmental Protection Agency established by this Act.

34. Respondents have never applied for or been granted a permit from Illinois EPA for the storage or disposal of waste on the Site.

35. At all times relevant to this Complaint, the Site was not permitted by Illinois EPA for the disposal of waste, and therefore was not a “sanitary landfill” as that term is defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2022).

36. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents consolidated refuse at a disposal site not meeting the requirements of a sanitary landfill, and therefore caused or allowed open dumping of waste at the Site.

37. By causing or allowing open dumping of waste, Respondents have violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents have violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2022);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(a) of the Act, 415 ILCS 5/21(a) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT II**  
**OPEN DUMPING RESULTING IN LITTER**

1-37. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 37 of Count I as paragraphs 1 through 37 of this Count II.

38. Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022), provides as follows:

No person shall:

\* \* \*

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

(1) litter;

39. Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a) (2022), contains the following definition:

“Litter” means any discarded, used or unconsumed substance or waste. “Litter” may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, abandoned vehicle (as defined in the Illinois Vehicle Code), motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste as defined in Section 3.360 of the Environmental Protection Act, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

40. The accumulated refuse, including household trash, bleach bottles, plastics, and animal carcasses, at the Site constitutes “litter” as that term is defined in Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a) (2022).

41. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents caused or allowed the open dumping of waste at the Site in a manner that resulted in litter, and thereby violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents have violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT III**  
**OPEN DUMPING RESULTING IN OPEN BURNING**

1-37. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 37 of Count I as paragraphs 1 through 37 of this Count III.

38. Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2022), provides as follows:

No person shall:

\* \* \*

- (p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

\* \* \*

- (3) open burning;

39. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents caused or allowed the open dumping of waste at the Site in a manner that resulted in open burning.

40. By causing or allowing open dumping at the Site that resulted in open burning, Respondents violated Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents violated Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2022);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT IV**  
**OPEN DUMPING RESULTING IN PROLIFERATION OF DISEASE VECTORS**

1-37. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 37 of Count I as paragraphs 1 through 37 of this Count IV.

38. Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (2022), provides as follows:

No person shall:

\* \* \*

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

\* \* \*

(5) proliferation of disease vectors;

39. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents caused or allowed the open dumping of used and/or waste tires that contained water and mosquito larvae throughout the Site, thereby resulting in the proliferation of disease vectors.

40. By causing or allowing open dumping at the Site that resulted in the proliferation of disease vectors, Respondents violated Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents violated Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (2022);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT V**  
**OPEN DUMPING RESULTING IN STANDING OR FLOWING LIQUID DISCHARGE**

1-37. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 37 of Count I as paragraphs 1 through 37 of this Count V.

38. Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2022), provides as follows:

No person shall:

\* \* \*

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

\* \* \*

(6) standing or flowing liquid discharge from the dump site;

39. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents caused or allowed the open dumping of waste at the Site in a manner that resulted in leachate flowing from the Carcass Pit.

40. By causing or allowing open dumping at the Site that resulted in standing or flowing liquid discharge from the dump site, Respondents violated Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents violated Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2022);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT VI**  
**OPEN DUMPING OF GENERAL CONSTRUCTION**

**OR DEMOLITION DEBRIS**

1-37. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 37 of Count I as paragraphs 1 through 37 of this Count VI.

38. Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i) (2022), provides, in pertinent part, as follows:

No person shall:

\* \* \*

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

\* \* \*

(7) deposition of:

(i) general construction or demolition debris as defined in Section 3.160(a) of this Act;

39. Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2022), provides, in pertinent part, as follows:

(a) “General construction or demolition debris” means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; . . . glass; . . . and corrugated cardboard, piping or metals incidental to any of those materials. . . .

40. The lumber, metal fencing, railroad ties, plastic buckets, and corrugated metal panels located at the Site constituted “general construction or demolition debris” as that term is defined in Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2022).

41. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents caused or allowed the open dumping of waste at the Site in a manner that resulted in

the deposition of general construction or demolition debris, and thereby violated Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents have violated Section 21(p)(7)(i) of the Act, 415 ILCS 21(p)(7)(i) (2022);

C. Ordering the Respondent to cease and desist from any further violations Section 21(p)(7)(i) of the Act, 415 ILCS 21(p)(7)(i) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT VII**  
**CONDUCTING A WASTE-DISPOSAL OPERATION WITHOUT A PERMIT**

1-37. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 37 of Count I as paragraphs 1 through 37 of this Count VII.

38. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2022), provides, in pertinent part, as follows:

No person shall:

\* \* \*

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

(1) without a permit granted by the Agency or in violation of any conditions imposed by such permit, .

..

39. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents conducted a waste-disposal operation at the Site without a permit granted by Illinois EPA.

40. By conducting a waste-disposal operation at the Site without a permit granted by Illinois EPA, Respondents violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents have violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2022);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT VIII**  
**FAILURE TO APPLY FOR PERMIT TO DEVELOP AND OPERATE A LANDFILL**

1-37. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 37 of Count I as paragraphs 1 through 37 of this Count VIII.

38. Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2022), provides, in pertinent part, as follows:

No person shall:

\* \* \*

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

\* \* \*

(2) in violation of any regulations or standards adopted by the Board under this Act; . . .

39. Section 812.101(a) of the Board's regulations, 35 Ill. Adm. Code 812.101(a), provides, in pertinent part, as follows:

a) All persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. . . .

40. Section 810.103 of the Board's regulations, 35 Ill. Adm. Code 810.103, provides, in pertinent part, as follows:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water or into any well such that solid waste or any constituent of the

solid waste may enter the environment by being emitted into the air or discharged into any waters, including groundwater. [415 ILCS 5/3.185] If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation will constitute disposal.

“Facility” means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage, or disposal operation. All structures used in connection with or to facilitate the waste disposal operation will be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste disposal units, buildings, treatment systems, processing and storage operations, and monitoring stations.

“Inert waste” means any solid waste that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with 35 Ill. Adm. Code 811.202(b). Such inert wastes will include only non-biodegradable and non-putrescible solid wastes. Inert wastes may include, but are not limited to, bricks, masonry, and concrete (cured for 60 days or more).

“Landfill” means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, . . . For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

“Putrescible waste” means a solid waste that contains organic matter capable of being decomposed by microorganisms so as to cause a malodor, gases, or other offensive conditions, or that is capable of providing food for birds and vectors. Putrescible wastes may form a contaminated leachate from microbiological degradation, chemical processes, and physical processes. Putrescible waste includes, but is not limited to, garbage, offal, dead animals, general household waste, and commercial waste. All solid wastes that do not meet the definition of inert or chemical wastes will be considered putrescible wastes.

“Solid waste” means a waste that is defined in this Section as an inert waste, as a putrescible waste, as a chemical waste or as a special waste, and that is not also defined as a hazardous waste under 35 Ill. Adm. Code 721.

41. The Site, specifically the Northwest Pit, the Northeast Site, and the Carcass Pit, where waste has been placed and accumulated over time for disposal constitutes a “landfill,” as that term is defined in Section 810.103 of the Board’s regulations, 35 Ill. Adm. Code 810.103.

42. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents developed and operated a landfill without applying for a permit.

43. By developing and operating a landfill without applying for a permit, Respondent violated Section 812.101(a) of the Board’s regulations, 35 Ill. Adm. Code 812.101(a) (2022), and thereby violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON’S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2022) and Section 812.101(a) of the Board’s regulations, 35 Ill. Adm. Code 812.101(a) (2022);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2022), and Section 812.101(a) of the Board’s regulations, 35 Ill. Adm. Code 812.101(a) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and

attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT IX**  
**DISPOSAL OF WASTE AT AN IMPROPER SITE**

1-41. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 36 of Count I, paragraphs 38 through 40 of Count VII, and paragraphs 39 and 40 of Count VIII as paragraphs 1 through 41 of this Count IX.

42. Section 21(e) of the Act, 415 ILCS 5/21(e) (2022), provides as follows:

No person shall:

\* \* \*

(e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

43. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents disposed of, stored, and/or abandoned wastes at the Site.

44. The Site is not a waste disposal site or facility that meets the requirements of the Act and of the regulations and standards promulgated thereunder.

45. By disposing, storing, and/or abandoning wastes at the Site, Respondents violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2022);

C. Ordering the Respondent to cease and desist from any further violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT X**  
**OPEN DUMPING OF USED OR WASTE TIRES**

1-36. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 36 of Count I as paragraphs 1 through 36 of this Count X.

37. Section 55(a) of the Act, 415 ILCS 5/55(a) (2022), provides, in pertinent part, as follows:

(a) No person shall:

(1) Cause or allow the open dumping of any used or waste tire.

\* \* \*

(5) Abandon, dump or dispose of any used or waste tire on private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.

38. Sections 54.02, 54.04, 54.06a, 54.08, 54.09, 54.13 and 54.16 of the Act, 415 ILCS 5/54.02, 54.06a, 54.08, 54.09, 54.13, and 54.16 (2022), respectively, provide, in relevant part, the following definitions:

“Converted tire” means a used tire which has been manufactured into a usable commodity other than a tire. “Conversion” or “converting” means action which produces a converted tire. Usable products manufactured from tires, which products are themselves capable of holding accumulations of water, shall be deemed to be “converted” if they are stacked, packaged, boxed, containerized or enclosed in such a manner as to preclude exposure to precipitation prior to sale or conveyance.

“Disposal” means the placement of used tires into or on any land or water except as an integral part of systemic reuse or conversion in the regular course of business.

“Recyclable tire” means a used tire which is free of permanent physical damage and maintains sufficient tread depth to allow its use through resale or repairing.

“Reused tire” means a used tire that is used again, in part or as a whole, by being employed in a particular function or application as an effective substitute for a commercial product or fuel without having been converted.

“Storage” means any accumulation of used tires that does not constitute disposal. At a minimum, such an accumulation must be an integral part of the systematic alteration, reuse, reprocessing or conversion of the tires in the regular course of business.

“Used tire” means a worn, damaged, or defective tire that is not mounted on a vehicle.

“Waste tire” means a used tire that has been disposed of.

39. The unmounted and worn tires at the Site constituted “used tires” as that term is defined in Section 54.13 of the Act, 415 ILCS 5/54.13 (2022).

40. Respondents had neither “converted” nor “reused” the used tires observed at the Site as these terms are defined in Sections 54.02 and 54.08 of the Act, 415 ILCS 5/54.02 and 5/54.08 (2022).

41. Respondents failed to conduct systemic reuse or conversion of the used tires placed on the land at the Site, constituting “disposal” of the tires as that term is defined in Section 54.04 of the Act, 415 ILCS 5/54.04 (2022).

42. Upon their disposal, the used tires at the Site constituted “waste tires” and “refuse” as these terms are defined in Sections 54.16 and 3.385 of the Act, 415 ILCS 5/54.16 and 5/3.385 (2022), respectively.

43. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents caused or allowed used and/or waste tires to be deposited and to accumulate at the Site, and thereby caused the open dumping of used and/or waste tires at the Site.

44. By causing and allowing the open dumping of used and/or waste tires at the Site, Respondents, Respondents violated Section 55(a)(1) of the Act, 415 ILCS 5/55(a)(1) (2022).

45. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents abandoned, dumped, or disposed of used and/or waste tires at the Site, which was not permitted by the Illinois EPA as a sanitary landfill.

46. By abandoning, dumping, and/or disposing of used and/or waste tires at the Site, Respondents violated Section 55(a)(5) of the Act, 415 ILCS 5/55(a)(5) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON’S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents have violated Sections 55(a)(1) and (5) of the Act, 415 ILCS 5/55(a)(1) and (5) (2022);

C. Ordering the Respondent to cease and desist from any further violations of Sections 55(a)(1) and (5) of the Act, 415 ILCS 5/55(a)(1) and (5) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT XI**  
**ACCUMULATION OF WATER IN USED AND WASTE TIRES**

1-44. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 36 of Count I, and paragraphs 37 through 43 of Count X as paragraphs 1 through 43 of this Count XI.

44. At the time of the June 3, 2021 Inspection, water had accumulated in used and/or waste tires at the Site.

45. Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2022), provides as follows:

(k) No person shall:

- (1) Cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household,

as long as not more than 4 used or waste tires at the site are covered and kept dry.

46. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents caused or allowed water to accumulate in used and/or waste tires present at the Site.

47. By causing or allowing water to accumulate in used and/or waste tires at the Site, Respondents violated Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents violated Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2022);

C. Ordering the Respondent to cease and desist from any further violations of Section 55(k)(1) of the Act, 415 ILCS 5/55 (k)(1) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT XII**  
**WATER POLLUTION**

1-36. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 36 of Count I as paragraphs 1 through 36 of this Count XII.

37. Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

38. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

39. Animal hair, the leachate from the Carcass Pit, CRT Glass, contaminated soils, and used and/or waste tires are each a “contaminant,” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

40. Section 3.545 of the Act, 415 ILCS 5/3.545 (2022), provides the following definition:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

41. Section 3.550 of the Act, 415 ILCS 5/3.550 (2022), provides the following definition:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

42. The Unnamed Creek, the Bay Creek watershed, Bay Creek, and the Ohio River are all “waters,” as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2022).

43. During the June 2021 Inspection, Illinois EPA took samples of the CRT Glass found at the Site.

44. The CRT Glass contained 13.2 milligrams per liter (“mg/L”) of lead.

45. The presence of the lead in the CRT Glass contaminated the surrounding soils.

46. The animal hair and the leachate from the Carcass Pit that flowed into the Unnamed Creek, the CRT Glass, and contaminated soil, constitutes the alteration of the physical and chemical properties of waters that did or was likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life, and therefore was “water pollution,” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2022).

47. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents caused, threatened, and allowed the discharge of contaminants into the environment so as to cause or tend to cause water pollution in the Unnamed Creek, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully

requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondents violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);
- C. Ordering the Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;
- E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and
- F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT XIII**  
**WATER POLLUTION HAZARD**

1-46. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 36 of Count I, and paragraphs 37 through 46 of Count XII, as paragraphs 1 through 46 of this Count XIII.

47. Section 12(d) of the Act, 415 ILCS 5/12(d) (2022), provides as follows:

No person shall:

- (d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

48. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents deposited animal carcasses, motor oil containers, CRT TV glass, and used and/or waste tires upon the land at the Site on and near the Unnamed Creek, and thereby created a water pollution hazard.

49. By depositing contaminants upon the land so as to create a water pollution hazard, Respondents violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2022);

C. Ordering the Respondent to cease and desist from any further violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT XIV**  
**AIR POLLUTION – OPEN BURNING**

1-36. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 36 of Count I, and paragraph 38 of Count XII, as paragraphs 1 through 37 of this Count XIV.

38. Section 9 of the Act, 415 ILCS 5/9 (2022), provides, in pertinent part, as follows:

No person shall:

- (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

\* \* \*

- (c) Cause or allow the open burning of refuse. . . . except that the Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.

39. Section 3.115 of the Act, 415 ILCS 5/3.115 (2022), provides as follows:

“Air pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

40. Section 3.300 of the Act, 415 ILCS 5/3.300 (2022), provides as follows:

“Open burning” is the combustion of any matter in the open or in an open dump.

41. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents, caused or allowed the open burning of refuse at the Site, and thereby 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.

42. By causing, threatening, or allowing the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois, Respondents violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022).

43. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents caused or allowed the open burning of refuse in such a manner that was not approved by Illinois EPA or the Board.

44. By causing or allowing the open burning of refuse in a manner that was not approved by Illinois EPA or the Board, Respondents violated Section 9(c) of the Act, 415 ILCS 5/9(c) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents violated Sections 9(a) and (c) of the Act, 415 ILCS 5/9(a), (c) (2022);

C. Ordering the Respondent to cease and desist from any further violations of Sections 9(a) and (c) of the Act, 415 ILCS 5/9(a), (c) (2022);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and

attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT XV**  
**OPEN BURNING OF A COVERED ELECTRONIC DEVICE**

1. This Complaint is brought by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to the terms and provisions of Section 1-50(b) and (c) of the Consumer Electronics Recycling Act (“CERA”), 415 ILCS 151/1-50(b) and (c) (2022).

2-34. Complainant re-alleges and incorporates by reference herein paragraphs 2 through 34 of Count I as paragraphs 2 through 34 of this Count XV.

35. Section 1-83(d) of the CERA, 415 ILCS 151/1-83(d) (2022), provides, in pertinent part, as follows:

- (d) Beginning January 1, 2019, no person may knowingly cause or allow the burning or incineration of a CED, or any other computer, computer monitor, printer, television, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server.

36. Section 1-5 of the CERA, 415 ILCS 151/1-5 (2022), provides the following definition:

“Covered electronic device” or “CED” means any computer, computer monitor, television, printer, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player that has memory capability and is battery powered, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server sold at retail.

\* \* \*

“Person” means an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity; or a legal representative, agent, or assign of that entity. “Person” includes a unit of local government.

\* \* \*

“Television” means an electronic device that contains a cathode-ray tube or flat panel screen the size of which is greater than 4 inches when measured diagonally and is intended to receive video programming via broadcast, cable, satellite, Internet, or other mode of video transmission or to receive video from surveillance or other similar cameras.

37. Respondent, JERRY STAFFORD, an individual, is a “person” as that term is defined in Section 1-5 of the CERA, 415 ILCS 151/1-5 (2022).

38. Respondent, SAMSON’S WHITETAIL MOUNTAIN, LLC, a limited liability company, is a “person” as that term is defined in Section 1-5 of the CERA, 415 ILCS 151/1-5 (2022).

39. The burnt CRT TV observed at the Site is a “television” and a “CED” as those terms are defined in Section 1-5 of the CERA, 415 ILCS 151/1-5 (2022).

40. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents knowingly caused or allowed the burning of a CED at the Site.

41. By knowingly causing or allowing the burning of a CED at the Site, Respondents violated Section 1-83(d) of the CERA, 415 ILCS 151/1-83(d) (2022).

### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON’S WHITETAIL MOUNTAIN, LLC, for the following relief:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondents violated Section 1-83(d) of the CERA, 415 ILCS 151/1-83(d) (2022);
- C. Ordering the Respondent to cease and desist from any further violations of Section 1-83(d) of the CERA, 415 ILCS 151/1-83(d) (2022);
- D. Pursuant to Section 1-50(a) of the CERA, 415 ILCS 151/1-50(a) (2022), assessing against the Respondent a civil penalty of \$7,000.00 for each violation of the CERA;
- E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and
- F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT XVI**  
**FAILURE TO MAKE SPECIAL WASTE DETERMINATIONS**

1-36. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 36 of Count I as paragraphs 1 through 36 of this Count XVI.

37. Section 21(e) of the Act, 415 ILCS 5/21(e) (2022), provides as follows:

No person shall:

\* \* \*

- (e) Dispose, treat, store or abandon any waste . . . except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

38. Section 808.121(a) of the Board's regulations, 35 Ill. Adm. Code 808.121(a), provides, in pertinent part, as follows:

- a) Each person who generates waste shall determine whether the waste is a special waste.

BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.

39. Section 808.110 of the Board's regulations, 35 Ill. Adm. Code 808.110, provides, as follows:

"Special waste" means any hazardous waste, and any industrial process waste or pollution control waste which has not been declassified pursuant to Section 808.245.

40. Respondents did not make any determination as to whether the CRT Glass constituted a special waste.

41. By not making a determination as to whether the CRT Glass constituted a special waste, Respondents violated Section 808.121(a) of the Board's regulations, 35 Ill. Adm. Code 808.121(a).

42. By violating Section 808.121(a) of the Board's regulations, 35 Ill. Adm. Code 808.121(a), Respondents disposed, treated, stored or abandoned waste at a Site that did not meet the requirements of the Act and of regulations and standards thereunder, and thereby violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2022).

### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2022), and Section 808.121(a) of the Board's regulations, 35 Ill. Adm. Code 808.121(a);

C. Ordering Respondents to cease and desist from further violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2022), and Section 808.121(a) of the Board's regulations, 35 Ill.

Adm. Code 808.121(a);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board Regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT XVII**  
**CONDUCTING A HAZARDOUS WASTE MANAGEMENT OPERATION**  
**WITHOUT A RCRA PERMIT**

1-36. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 36 of Count I, as paragraphs 1 through 36 of this Count XVII.

37. Section 21(f)(1)-(2) of the Act, 415 ILCS 5/21(f)(1)-(2) (2022), provides as follows:

No person shall:

(f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

(1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or

(2) in violation of any regulations or standards adopted by the Board under this Act.

38. Section 3.480 of the Act, 415 ILCS 5/3.480 (2022), provides as follows:

“Storage” means the containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute a disposal.

39. Section 3.220 of the Act, 415 ILCS 5/3.220 (2022), provides the following definition:

“Hazardous waste” means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.

40. Section 3.370 of the Act, 415 ILCS 5/3.370 (2022), provides the following definition:

“RCRA Permit” means a permit issued by the Agency pursuant to authorization received by the Agency from the United States Environmental Protection Agency under Subtitle C of the Resource Conservation and Recovery Act of 1976, (P.L. 94-580) (RCRA) and which meets the requirements of Section 3005 of RCRA and of this Act.

41. Sections 703.121(a)–(b) of the Board’s regulations, 35 Ill. Adm. Code 703.121(a)–(b), provide as follows:

- (a) No person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:
  - (1) Without a RCRA permit for the HWM (hazardous waste management) facility; or

- (2) In violation of any condition imposed by a RCRA permit.

42. Section 702.110 of the Board's regulations, 35 Ill. Adm. Code 702.110, provides, in pertinent part, the following definitions:

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

"Hazardous waste" (RCRA) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Generator" (RCRA) means any person, by site location, whose act or process produces hazardous waste.

"Storage" (RCRA) means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"RCRA permit" (RCRA) means a permit required pursuant to Section 21(f) of the Act [415 ILCS 5/21(f)].

"Hazardous waste management facility" or "HWM facility" (RCRA) means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them).

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under the RCRA... program.

"Permit" means an authorization, license, or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704, and 705. "Permit" includes RCRA permit by rule (35 Ill. Adm. Code 703.141).

43. The CRT Glass is a "hazardous waste," as that term is defined in Section 3.220 of the Act, 415 ILCS 5/3.220 (2022), and Sections 702.110 and 721.103 of the Board's regulations, 35 Ill. Adm. Code 702.110 and 721.103, because it contains greater than 5.0 mg/L lead.

44. Beginning prior to June 3, 2021, and on dates better known to Respondents, Respondents conducted a hazardous waste storage operation at the Site.

45. As a result of Respondents' operations at the site, Respondents were and are each a "person" conducting a "hazardous waste-storage operation" without a "RCRA permit," as those terms are used in Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2022), and as defined in Section 702.110 of the Board's regulations, 35 Ill. Adm. Code 702.110.

46. As a result of Respondents' operations at the MVPC facility, Respondents are each the "owner or operator" of a "HWM" unit at the MVPC facility, as those terms are defined in Section 702.110 of the Board's regulations, 35 Ill. Adm. Code 702.110.

47. By conducting a hazardous waste storage and/or disposal operation at the MVPC facility without a RCRA permit, Respondents violated Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2022), and Section 703.121(a) of the Board's regulations, 35 Ill. Adm. Code 703.121(a).

48. By violating Section 703.121(a) of the Board's regulations, 35 Ill. Adm. Code 703.121(a), Respondents conducted a hazardous waste storage and/or disposal operation in violation of the Board's regulations, and thereby violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2022).

### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondents violated Section 21(f)(1)-(2) of the Act, 415 ILCS 5/21(f)(1)-(2) (2022), and Section 703.121 of the Board's regulations, 35 Ill. Adm. Code 703.121;

C. Ordering Respondents to cease and desist from further violations of Sections 21(f)(1)-(2) of the Act, 415 ILCS 5/21(f)(1)-(2) (2022), and Section 703.121 of the Board's regulations, 35 Ill. Adm. Code 703.121;

D. Pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2022), assessing against the Respondent a civil penalty of \$25,000.00 for each day each violation of the Act continued;

E. Ordering the Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT XVIII**  
**FAILURE TO MAKE HAZARDOUS WASTE DETERMINATIONS**

1-36. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 36 of Count I, and paragraphs 37 through 44 of Count XVII, as paragraphs 1 through 36 of this Count XVII.

37. Section 722.111 of the Board's Regulations, 35 Ill. Adm. Code 722.111, provides as follows:

A person that generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure that the waste is properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps:

- a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.
- b) The person must determine whether the solid waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- c) If the waste is not excluded under 35 Ill. Adm. Code 721.104, the person must then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under Subpart D of 35 Ill. Adm. Code 721. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If a waste is listed, the person may file a delisting petition under 35 Ill. Adm. Code 720.120 and 720.122 to demonstrate to the Administrator that the waste from this particular site or operation is not a hazardous waste.
- d) The person then must also determine whether the waste exhibits one or more hazardous characteristics, as identified in Subpart C of 35 Ill. Adm. Code 721, by following the procedures in subsection (d)(1) or (d)(2), or a combination of both.
  - 1) The person must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about chemical feedstocks and other inputs to the production process); knowledge of products, by-products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents. A test other than a test method set forth in Subpart C of 35 Ill. Adm. Code 721, or an equivalent test method approved by the Agency or the Board under 35 Ill. Adm. Code 720.121, may be used as part of a person's knowledge to determine whether a solid waste exhibits a characteristic of hazardous waste. However,

such tests do not, by themselves, provide definitive results. Persons testing their waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.

- 2) When available knowledge is inadequate to make an accurate determination, the person must test the waste according to the applicable methods set forth in Subpart C of 35 Ill. Adm. Code 721 or according to an equivalent method approved by the Administrator under 35 Ill. Adm. Code 720.121 and in accordance with the following:
  - (A) A persons testing its waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.
  - (B) Where a test method is specified in Subpart C of 35 Ill. Adm. Code 721, the results of the regulatory test, when properly performed, are definitive for determining the regulatory status of the waste.
- e) If the generator determines that the waste is hazardous, the generator must refer to 35 Ill. Adm. Code 721, 724 through 728, and 733 for possible exclusions or restrictions pertaining to the management of the specific waste.
- f) Recordkeeping for SQGs and LQGs. A SQG or LQG must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by 35 Ill. Adm. Code 721.103. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste and support the generator's determination, as described at subsections (c) and (d). The records must include, but are not limited to, the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this Section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described at subsection (d)(1). The periods of record retention referred to in this Section are extended automatically during the course of any unresolved enforcement

action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (f) is subject to Board review pursuant to Section 40 of the Act.

- g) Identifying USEPA Hazardous Waste Numbers for SQGs and LQGs. If the waste is determined to be hazardous, SQGs and LQGs must identify all applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721. Prior to shipping the waste off site, the generator also must mark its containers with all applicable USEPA hazardous waste numbers (USEPA hazardous waste numbers) according to 35 Ill. Adm. Code 722.132.

38. Section 721.102 of the Board's regulations, 35 Ill. Adm. Code 721.102, provides in pertinent part:

- a) Solid Waste
  - 1) A solid waste is any discarded material . . .
  - 2) Discarded Material
    - A) A discarded material is any material that is described as follows:
      - i) It is abandoned . . .
      - ii) It is recycled . . .
      - iii) It is considered inherently waste-like....
- b) A material is a solid waste if it is abandoned in one of the following ways:
  - 1) It is disposed of:

\*\*\*

- 2) It is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated;

39. Section 721.102 of the Board's Regulations, 35 Ill. Adm. Code 721.102, provides, in pertinent part, as follows:

A solid waste is any discarded material that is not excluded pursuant to Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131 or 35 Ill. Adm. Code 720.130 and 720.134.

40. Section 721.124(b) of the Board's regulations, 35 Ill. Adm. Code 721.124(b), provides, as follows:

b) A solid waste that exhibits the characteristic of toxicity has the USEPA hazardous waste number specified in the following table that corresponds to the toxic contaminant causing it to be hazardous.

Lead	5.0 mg/L
------	----------

41. The CRT TV Glass discovered of at the Site is "solid waste" as that term is defined in Section 721.102 of the Board's Regulations, 35 Ill. Adm. Code 721.102.

42. The CRT TV Glass is "hazardous" as that term is defined in 721.124(b) of the Board's regulations, 35 Ill. Adm. Code 721.124(b).

43. Respondents did not make any determination as to whether the CRT Glass at the Site constituted a hazardous waste.

44. By not making a determination as to whether the CRT Glass constituted a hazardous waste, Respondents violated Section 722.111 of the Board's regulations, 35 Ill. Adm. Code 722.111.

45. By violating Section 722.111 of the Board's regulations, 35 Ill. Adm. Code 722.111, Respondents conducted hazardous waste-storage and/or hazardous waste-disposal in

violation of Board regulations, and thereby violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, JERRY STAFFORD and SAMSON'S WHITETAIL MOUNTAIN, LLC, for the following relief:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Defendant violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2022), and Section 722.111 of the Board Regulations, 35 Ill. Adm. Code 722.111;

C. Ordering Respondents to cease and desist from further violations of Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2022), and Section 722.111 of the Board Regulations, 35 Ill. Adm. Code 722.111;

D. Assessing against Defendant a civil penalty not to exceed Twenty-Five Thousand Dollars (\$25,000.00) for each day of each violation of Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2022), and Section 722.111 of the Board Regulations, 35 Ill. Adm. Code 722.111, pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2022);

E. Awarding Plaintiff its costs in this matter, including reasonable attorney's fees and costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

F. Granting such other and further relief as this Court deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* KWAME RAOUL, Attorney General  
of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: /s/ Rachel R. Medina  
RACHEL MEDINA, #6297171  
Bureau Chief  
Environmental Bureau  
Assistant Attorney General

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
<b>by KWAME RAOUL, Attorney General</b>	)	
<b>of the State of Illinois,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB No.</b>
	)	<b>(Enforcement – Land)</b>
<b>JERRY STAFFORD, an individual, and</b>	)	
<b>SAMSON'S WHITETAIL MOUNTAIN, LLC,</b>	)	
<b>an Illinois limited liability company,</b>	)	
	)	
<b>Respondents.</b>	)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENT**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2022), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2022). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Sections 21(a), 21(p)(1),(3),(5)-(7), 21(d)(1)-(2), 21(e), 55(a), 55(k)(1), 12(a), 12(d), 9, and 21(f)(1)-(2) of the Act, 415 ILCS 5/21(a), 21(p)(1),(3),(5)-(7), 21(d)(1)-(2), 21(e), 55(a), 55(k)(1), 12(a), 12(d), 9, and 21(f)(1)-(2) (2022), Section 1-83(d) of the CERA, 415 ILCS 151/1-83(d) (2022), and Sections 808.121(a), 703.121 and 722.111 of the Board’s regulations, 35 Ill. Adm. Code 808.121(a), 703.121 and 722.111.
2. Complainant is filing the Complaint with the Board simultaneous with this Motion and a Stipulation and Proposal for Settlement.

3. The parties have reached agreement on all outstanding issues in this matter.

4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2022).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* KWAME RAOUL, Attorney General  
of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: /s/ Kevin D. Barnai  
Kevin D. Barnai (ARDC #6329422)  
Assistant Attorney General  
Environmental Bureau

DATED: February 7, 2025

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
<b>by KWAME RAOUL, Attorney General</b>	)	
<b>of the State of Illinois,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB No.</b>
	)	<b>(Enforcement - Land)</b>
<b>JERRY STAFFORD, an individual, and</b>	)	
<b>SAMSON'S WHITETAIL MOUNTAIN, LLC,</b>	)	
<b>an Illinois limited liability corporation,</b>	)	
	)	
<b>Respondents.</b>	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and Respondents, JERRY STAFFORD, an individual, and SAMSON'S WHITETAIL MOUNTAIN, LLC, an Illinois limited liability corporation, (the "Respondents"), (collectively "Parties to the Stipulation"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1, et seq. (2022), and the Board's regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties**

1. On February 7, 2025, contemporaneous with the filing of this Stipulation, a Complaint was filed on behalf of the People of the State of Illinois by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois EPA pursuant to Section 31 of the Act, 415 ILCS 5/31 (2022), against Respondents.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2022).

3. At all times relevant to the Complaint, Respondent JERRY STAFFORD has been a resident of Illinois. At all times relevant to the Complaint, Respondent SAMSON'S WHITETAIL MOUNTAIN, LLC has been an Illinois corporation in good standing and authorized to do business in the State of Illinois by the Illinois Secretary of State. Respondent JERRY STAFFORD is the registered agent and operator of Respondent SAMSON'S WHITETAIL MOUNTAIN, LLC.

4. At all times relevant to this Complaint, Respondent JERRY STAFFORD has owned the property located at 305 Palo Pinto Lane, Vienna, Johnson County, Illinois (the "Site"). At the Site, Respondent SAMSON'S WHITETAIL MOUNTAIN, LLC operates an approximately 800-acre high-fenced hunting outfit and lodge, and a taxidermy business. Respondent JERRY STAFFORD also maintains his personal residence at the Site.

**B. Allegations of Non-Compliance**

Complainant contends that Respondents have violated the following provisions of the Act and Board regulations:

Count I: OPEN DUMPING  
Section 21(a) of the Act, 415 ILCS 5/21(a) (2022)

- Count II: OPEN DUMPING RESULTING IN LITTER  
Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022)
- Count III: OPEN DUMPING RESULTING IN OPEN BURNING  
Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2022)
- Count IV: OPEN DUMPING RESULTING IN PROLIFERATION OF DISEASE VECTORS  
Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(3) (2022)
- Count V: OPEN DUMPING RESULTING IN STANDING OR FLOWING LIQUID DISCHARGE  
Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2022)
- Count VI: OPEN DUMPING OF GENERAL CONSTRUCTION OR DEMOLITION DEBRIS  
Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i) (2022)
- Count VII: CONDUCTING A WASTE DISPOSAL OPERATION WITHOUT A PERMIT  
Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2022)
- Count VIII: FAILURE TO APPLY FOR PERMIT TO DEVELOP AND OPERATE A LANDFILL  
Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2022)
- Count IX: DISPOSAL OF WASTE AT AN IMPROPER SITE  
Section 21(e) of the Act, 415 ILCS 5/21(e) (2022)
- Count X: OPEN DUMPING OF USED OR WASTE TIRES  
Section 55(a) of the Act, 415 ILCS 5/55(a) (2022)
- Count XI: ACCUMULATION OF WATER IN USED AND WASTE TIRES  
Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2022)
- Count XII: WATER POLLUTION  
Section 12(a) of the Act, 415 ILCS 5/12(a) (2022)
- Count XIII: WATER POLLUTION HAZARD  
Section 12(d) of the Act, 415 ILCS 5/12(d) (2022)
- Count XIV: AIR POLLUTION – OPEN BURNING  
Section 9 of the Act, 415 ILCS 5/9 (2022)
- Count XV: OPEN BURNING OF A COVERED ELECTRONIC DEVICE  
Section 1-83(d) of the CERA, 415 ILCS 151/1-83(d) (2022)

Count XVI FAILURE TO MAKE WASTE DETERMINATIONS  
Section 21(e) of the Act, 415 ILCS 5/21(e) (2022)

Count XVII CONDUCTING A HAZARDOUS WASTE MANAGEMENT  
OPERATION WITHOUT A RCRA PERMIT  
Section 21(f)(1) of the Act, 415 ILCS 21(f)(1) (2022)

Count XVIII FAILURE TO MAKE HAZARDOUS WASTE  
DETERMINATIONS  
Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2022)

**C. Admission of Violations**

Respondents admit to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

**D. Compliance Activities to Date**

1. On February 4, 2022, Illinois EPA received a tire disposal receipt for eleven (11) tires, a metal recycling receipt, and a Safety-Kleen quote for the removal of the CRT Glass and lead contaminated dirt from the Respondents.

2. On February 7, 2022, Illinois EPA received a roll-off dumpster invoice and a hazardous waste manifest, a landfill disposal restriction notification and a receipt from Safety-Kleen from the Respondents.

3. On March 22, 2022, Illinois EPA received photographs and a hazardous waste manifest of Respondent's proper removal of the CRT glass.

4. On March 31, 2022, Illinois EPA received a tire disposal receipt for twelve (12) passenger tires and two (2) semi tires.

5. On May 25, 2022, Illinois Department of Agriculture (IDOA) advised Illinois EPA that Respondent had remediated the Carcass Pit.

6. On August 31, 2022, Illinois EPA conducted a follow-up inspection and observed all technical remedies have been completed.

## **II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondents shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against Respondents in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2022).

## **III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2022), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Human health and the environment were threatened due to Respondents' open

dumping of wastes including used tires, holding water and mosquito larvae; demolition debris; oil containers; animal carcasses; and an electronic device, classified as hazardous waste; open burning of wastes, including the electronic device; and causing and threatening water pollution, based on the discharge of leachate from a carcass disposal area and other wastes into a waterway.

2. There is social and economic benefit to the Site.
3. Operation of the Site was and is suitable for the area in which it is located, so long it is operated in compliance with the Act and Board regulations.
4. Compliance with the Act and Board regulations at the Site was both technically practicable and economically reasonable.
5. Respondents have subsequently complied with the Act and the Board regulations.

#### **IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2022), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;

6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a supplemental environmental project, which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Respondents' open dumping of wastes including used tires, holding water and mosquito larvae; demolition debris; oil containers; animal carcasses; and an electronic device, classified as hazardous waste; open burning of wastes, including the electronic device; and causing and threatening water pollution, based on the discharge of leachate from a carcass disposal area and other wastes into a waterway, presented a substantial risk to human health and the environment.
2. Respondents did not exercise diligence in attempting to comply with the Act and Board regulations.
3. The civil penalty takes into account any economic benefit realized by the Respondents as a result of avoided or delayed compliance.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of SIXTY THOUSAND DOLLARS (\$60,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant's knowledge, Respondents have no previously adjudicated violations of the Act.
6. Self-disclosure was not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

**V. TERMS OF SETTLEMENT**

**A. Penalty Payment**

Respondents shall pay, jointly and severally, a civil penalty in the sum of SIXTY THOUSAND DOLLARS (\$60,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

**B. Interest and Default**

1. If Respondents fail to make any payment required by this Stipulation on or before the date upon which the payment is due, Respondents shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by Respondents not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

**C. Payment Procedures**

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency  
Fiscal Services  
2520 W. Iles Ave.  
P.O. Box 19276  
Springfield, IL 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Kevin D. Barnai  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second St.  
Springfield, Illinois 62701

**D. Future Compliance**

1. Respondents shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

2. The Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Respondents' Facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

3. This Stipulation in no way affects the responsibilities of Respondents to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

**E. Release from Liability**

In consideration of Respondents' payment of the SIXTY THOUSAND DOLLARS (\$60,000.00) penalty, their commitment to cease and desist as contained in Section V.D.1 above, and completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges Respondents from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed contemporaneously with this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against Respondents with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than Respondents.

**F. Correspondence, Reports and Other Documents**

Any and all correspondence, reports and any other documents required under this Stipulation, except for penalty payments, shall be submitted as follows:

As to the Complainant

Kevin D. Barnai  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701  
Kevin.Barnai@ilag.gov

As to the Respondent

John R. Schneider  
Johnson, Schneider & Ferrell, L.L.C.  
Attorneys At Law  
212 N. Main St.  
Cape Girardeau, Missouri 63701  
(573) 335-3300  
[attorneyschneider@hotmail.com](mailto:attorneyschneider@hotmail.com)  
[erica@johnsonschneider.com](mailto:erica@johnsonschneider.com)

**G. Enforcement of Stipulation**

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

**H. Opportunity For Public Comment**

Pursuant to 35 Ill. Adm. Code 103.300(b)(2), the Board shall publish notice of this Stipulation for at least 30 days prior to the Board accepting the Stipulation. If public comments are submitted to the Board regarding this Stipulation, the Complainant reserves the right to withdraw its consent if the comments regarding the Stipulation disclose facts or considerations which indicate that the Stipulation is inappropriate, improper, or inadequate. Respondents consent to the entry of this Stipulation without further notice and agrees not to withdraw from or oppose acceptance of this Stipulation or to challenge any provision of the Stipulation, unless the Complainant has notified Respondents in writing that it withdraws or withholds its consent for the

Stipulation. In the event the Complainant notifies the Respondents that it withdraws or withholds its consent for the Stipulation, then the terms of the agreement may not be used as evidence in any litigation between those entities.

**I. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

AGREED:

FOR THE COMPLAINANT:

PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL,  
Attorney General of the  
State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

JAMES JENNINGS, Acting Director  
Illinois Environmental Protection Agency

BY:



RACHEL R. MEDINA, Chief  
Environmental Bureau  
Assistant Attorney General

BY:



ANDREW B. ARMSTRONG  
Chief Legal Counsel

DATE:

1/29/2025

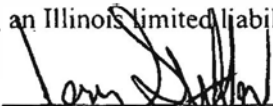
DATE:

01/23/2025

FOR RESPONDENTS:

JERRY STAFFORD, an individual, and  
SAMSON'S WHITETAIL MOUNTAIN,  
LLC, an Illinois limited liability corporation

BY:



Its:

DATE:

11-8-24