

ILLINOIS POLLUTION CONTROL BOARD
February 20, 2025

| | | |
|--|---|----------------------|
| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 25-46 |
| |) | (Enforcement - Land) |
| JERRY STAFFORD, an individual, and, |) | |
| SAMSON'S WHITETAIL MOUNTAIN, LLC, |) | |
| an Illinois limited liability company, |) | |
| |) | |
| Respondents. |) | |

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

On February 7, 2025, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an 18-count complaint against Jerry Stafford and Samson's Whitetail Mountain, LLC (Samson's Whitetail Mountain) (collectively, respondents). The complaint concerns property owned by Jerry Stafford located at 305 Palo Pinto Lane in Vienna, Johnson County, where Samson's Whitetail Mountain operates a hunting outfit and lodge and taxidermy business. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

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

- Count I: Section 21(a) of the Act (415 ILCS 5/21(a) (2022)) by causing or allowing the open dumping of waste;
- Count II: Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2022)) by causing or allowing the open dumping of waste in a manner that resulted in litter;
- Count III: Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (2022)) by causing or allowing open dumping that resulted in open burning;
- Count IV: Section 21(p)(5) of the Act (415 ILCS 5/21(p)(5) (2022)) by causing or allowing open dumping that resulted in the proliferation of disease vectors;

- Count V: Section 21(p)(6) of the Act (415 ILCS 5/21(p)(6) (2022)) by causing or allowing open dumping that resulted in standing or flowing liquid discharge from the dump site;
- Count VI: Section 21(p)(7)(i) of the Act (415 ILCS 5/21(p)(7)(i) (2022)) by causing or allowing the open dumping of waste in a manner that resulted in the deposition of general construction or demolition debris;
- Count VII: Section 21(d)(1) of the Act (415 ILCS 5/21(d)(1) (2022)) by conducting a waste disposal operation without a permit granted by the Illinois Environmental Protection Agency (IEPA);
- Count VIII: Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2022)) and Section 812.101(a) of the Board's waste disposal rules (35 Ill. Adm. Code 812.101(a)) by developing and operating a landfill without applying for a permit;
- Count IX: Section 21(e) of the Act (415 ILCS 5/21(e) (2022)) by disposing, storing, or abandoning wastes at a site or facility which does not meet the requirements of the Act and the regulations and standards thereunder;
- Count X: Section 55(a)(5) of the Act (415 ILCS 5/55(a)(5) (2022)) by abandoning, dumping, or disposing of used or waste tires;
- Count XI: Section 55(k)(1) of the Act (415 ILCS 5/55(k)(1) (2022)) by causing or allowing water to accumulate in used or waste tires;
- Count XII: Section 12(a) of the Act (415 ILCS 5/12(a) (2022)) by causing, threatening, or allowing the discharge of contaminants into the environment so as to cause or tend to cause water pollution;
- Count XIII: Section 12(d) of the Act (415 ILCS 5/12(d) (2022)) by depositing contaminants upon the land so as to create a water pollution hazard;
- Count XIV: Section (9)(c) of the Act (415 ILCS 5.9(c) (2022)) by causing or allowing the open burning of refuse in a manner that was not approved by IEPA or Board rules;
- Count XV: Section 1-83(d) of the Consumer Electronics Recycling Act (415 ILCS 151/1-83(d) (2022)) by knowingly causing or allowing the burning of a covered electronic device;
- Count XVI: Section 21(e) of the Act (415 ILCS 5.21(e) (2022)) and Section 808.121(a) of the Board's waste disposal rules (35 Ill. Adm. Code 808.121(a)) by not making a determination as to whether cathode ray tube (CRT) glass constituted a special waste and by disposing, treating, storing, or abandoning waste at a site that did not meet the requirements of the Act and regulations;

Count XVII: Sections 21(f)(1) and 21(f)(2) of the Act (415 ILCS 5/21(f)(1), 21(f)(2) (2022)) and Section 703.121(a) of the Board's waste disposal rules (35 Ill. Adm. Code 703.121(a) by conducting a hazardous waste storage or disposal operation without a Resource Conservation and Recovery Act (RCRA) permit and by conducting a hazardous waste storage or disposal operation in violation of the Board's rules; and

Count XVIII: Section 21(f)(2) of the Act (415 ILCS 5/21(f)(2) (2022)) and Section 722.111 of the Board's waste disposal rules (35 Ill. Adm. Code 722.111) by not making a determination as to whether the CRT glass constituted a hazardous waste and by conducting hazardous waste storage or hazardous waste disposal in violation of Board rules.

The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On February 7, 2024, simultaneously with the People's complaint, the People and respondents filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the respondents admit the alleged violations and agree to pay a civil penalty of \$60,000.

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

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 20, 2025, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board