

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. 2023-134
)	(Enforcement-Land)
ROBERT WIETHOLDER, an individual,)	
DESMOND JARVIS, an individual, and)	
BOB JARVIS, an individual,)	
)	
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 **Stipulation and Proposal for Settlement with Respondent Bob Jarvis, Motion for Relief from Hearing Requirements, and Certificate of Service**, copies of which are hereby served upon you.

Respectfully submitted,

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

By: /s/ Bridget I. Flynn

Bridget I. Flynn
Assistant Attorney General
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Date: March 25, 2025

Service List

For the Respondents

Bob Jarvis
222 N Chestnut Street
Mendon, IL 62351

Desmond Jarvis
205 S Main Street
Coatsburg, IL 62355

Robert Wietholder
326 W. Mill Street
Mendon, IL 62351

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STIPULATION AND PROPOSAL FOR SETTLEMENT
WITH RESPONDENT BOB JARVIS

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 Bob Jarvis (“Respondent”), (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 June 29, 2023, 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 upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2022), against the Respondent.

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 was and is an individual residing in the State of Illinois.

4. At times best known to the Respondents, Respondent Bob Jarvis assisted Respondent Desmond Jarvis in operating a waste collection business located at 326 West Mill Street, Mendon, Adams County, Illinois ("Site").

5. On September 9, 2020, Illinois EPA inspected the Site and observed approximately forty (40) cubic yards of open dumped waste and approximately twelve (12) used tires. The inspectors observed, among other waste: an open burn area in the middle of the yard east of the house with a large metal wheel rim that contained the remnants of burned waste; similar remnants on the charred soil around the rim; an additional burn barrel on the east side of the house; two additional burn barrels on the east side of the garage; and incinerated household waste in all of the burn barrels. The inspectors also observed the following waste items between and in front of two garages: mattresses; furniture; scrap metal; and other miscellaneous waste.

6. During Illinois EPA's September 9, 2020 inspection of the Site, Tina Wietholder, wife of Respondent and site owner Robert Wietholder, told inspectors that Respondent Desmond

Jarvis, her son, had been collecting waste from homes in neighboring communities and bringing those waste items to the Site to strip them to obtain scrap metal to recycle.

7. During Illinois EPA's September 9, 2020 inspection, Respondent Bob Jarvis told inspectors that he had been working with Respondent Desmond Jarvis removing waste from neighboring towns, bringing it back to the Site, burning some of it, and taking the remainder to landfills, and that sometimes the waste would remain at the Site for multiple days. Respondent Bob Jarvis stated during that conversation that he no longer collects waste with Desmond Jarvis and does not plan to do so in the future.

8. On March 31, 2021, Illinois EPA re-inspected the Site. The inspectors observed new accumulations of waste, which appeared to have been generated off-site. That accumulated waste included, among other things: a mattress, old barn wood, two tires, aerosol cans, three televisions, a computer monitor, an air conditioning unit, general construction and demolition debris, paint cans, a VCR, lawn mower parts, and miscellaneous plastic and metal. The inspectors also found charred ground in the main burn area, and charred remnants of general construction and demolition debris, plastic, metal, cans, mattress covers, fabric, and screws.

B. Allegations of Non-Compliance

Complainant contends that the Respondent Bob Jarvis has violated the following provisions of the Act and Board regulations:

- | | |
|------------|---|
| Count I: | Open Dumping of Waste
415 ILCS 5/21(a) (2022) |
| Count II: | Conducting a Waste Operation Without a Permit
415 ILCS 5/21(d)(1) (2022) |
| Count III: | Waste Disposal at an Improper Site
415 ILCS 5/21(e) (2022) |

Count IV: Open Dumping Resulting in Litter
415 ILCS 5/21(p)(1) (2022)

Count V: Open Burning
415 ILCS 5/9(a) and (c) (2022)
415 ILCS 5/21(p)(3) (2022)

C. Admission of Violations

Respondent Bob Jarvis admits 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 September 15 and 17, 2020, Illinois EPA received the following receipts, logs and photos documenting disposal and removal of waste: three receipts from transfer stations dated September 10, 2020, September 11, 2020, and September 14, 2020; a receipt from a truck service dated September 10, 2020; a receipt from a metal recycling company dated September 14, 2020; a handwritten, receipt of 10 gallons of used oil for recycling; a photo of a log entry identifying Robert Wietholder's name, the date September 20, 2020, and "5 gallon" written in the column titled "# of gallon"; and photos of the site which showed, among other items, empty burn barrels, and several mattresses on a vehicle.

2. On August 25, 2022, Illinois EPA re-inspected the Site. No evidence of open dumping was apparent and the open burn pile and general construction and demolition debris had been removed.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent 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 the Respondent 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 and the Illinois EPA's information gathering responsibilities hindered by the Respondent's failure to conduct waste disposal in compliance with the Act and Board Regulations.
2. There is social and economic benefit to the proper disposal of waste, if conducted in a manner compliant with the Act and Board Regulations.

3. The subject residential property was not suitable for use as a waste disposal location.
4. Proper disposal of waste is both technically practicable and economically reasonable.
5. Respondent Bob Jarvis has 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. Respondent Bob Jarvis failed to obtain a permit for waste disposal, waste storage, and/or waste treatment activities prior to beginning waste disposal, waste storage, and/or waste treatment activities at the Site. The violations began on or before September 9, 2020, and were individually resolved at various times by August 25, 2022.
2. Respondent Bob Jarvis was diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, once the Illinois EPA notified him of his noncompliance. Respondent Bob Jarvis reports he was involved in the waste collection activities for approximately one month.
3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.
4. Complainant has determined, based upon the specific facts of this matter, that no civil penalty is necessary to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant's knowledge, Respondent Bob Jarvis has no previously adjudicated violations of the Act.
6. Self-disclosure is 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

After the Respondent submitted financial information and based upon the representations and figures provided by Respondent, the Complainant has determined that the Respondent currently has no ability to pay a civil penalty.

B. Future Compliance

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

2. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

C. Release from Liability

In consideration of the Respondent Bob Jarvis' commitment to cease and desist as contained in Section V.B.2 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent Bob Jarvis 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 on June 29, 2023. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against Respondent Bob Jarvis 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 Respondent Bob Jarvis.

D. 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.

E. 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 is 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.


FOR THE PLAINTIFF:


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
Bureau Chief
Environmental Bureau
Assistant Attorney General

BY: 
ANDREW B. ARMSTRONG
Chief Legal Counsel

DATE: 3/25/2025

DATE: 03/17/2025

FOR THE DEFENDANT:

BOB JARVIS

DATE: _____

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

FOR THE PLAINTIFF:

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by KWAME RAOUL, Attorney General
of the State of Illinois

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

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

JAMES JENNINGS, Acting Director
Illinois Environmental Protection Agency

BY: _____
RACHEL R. MEDINA
Bureau Chief
Environmental Bureau
Assistant Attorney General

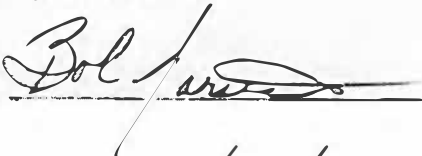
BY: _____
ANDREW B. ARMSTRONG
Chief Legal Counsel

DATE: _____

DATE: _____

FOR THE DEFENDANT:

BOB JARVIS



DATE: 11/11/24

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BOB JARVIS, an individual,)	
)	
Respondents.)	

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 grant the parties, as to Bob Jarvis, 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. On June 29, 2023, a complaint was filed with the Illinois Pollution Control Board ("Board") in this matter.
2. The parties to the Stipulation have reached agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
4. The parties to the Stipulation 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).
5. No hearing is scheduled in this matter.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the hearing requirement set forth in Section 31(c)(1) (2022).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
By KWAME RAOUL, Attorney General

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

By: /s/ Bridget I. Flynn
BRIDGET I. FLYNN
Assistant Attorney General
Environmental Bureau
ARDC #6332314
Illinois Attorney General's Office
500 South 2nd Street
Springfield, Illinois 62701
Ph: (217) 782-9033
Bridget.Flynn@ilag.gov

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CERTIFICATE OF SERVICE

I hereby certify that I did, on March 25, 2025, send by U.S. Regular mail and by email where indicated, a true and correct copy of the documents entitled **Notice of Filing, Stipulation and Proposal for Settlement, Motion for Relief from Hearing Requirement, and Certificate of Service** to:

For the Respondent

Bob Jarvis
222 N Chestnut Street
Mendon, Illinois 62351

Desmond Jarvis
205 S Main Street
Coatsburg, IL 62355

Robert Wietholder
326 W Mill Street
Mendon, Illinois 62351

For the Illinois Pollution Control Board

Via electronic mail

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 N Grand Ave., E
Springfield, IL 62794-9274
Carol.webb@illinois.gov

/s/ Cathy Formigoni
Cathy Formigoni
Environmental Bureau

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 instrument 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
Cathy Formigoni
Environmental Bureau