

ILLINOIS POLLUTION CONTROL BOARD

April 3, 2025

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

ORDER OF THE BOARD (by A. Tin):

On June 29, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Robert Weitholder, Desmond Jarvis, and Bob Jarvis (collectively, respondents). The complaint concerns a waste collection business operated by respondents Desmond Jarvis and Bob Jarvis on respondent Robert Weitholder's property located at 326 West Mill Street in Mendon, Adams County. On July 6, 2023, the Board accepted the complaint for hearing.

In a separate stipulation, proposed settlement, and request for relief from the hearing requirement, the People and respondent Bob Jarvis now seek to settle the complaint without a hearing. The remaining respondents Robert Wietholder and Desmond Jarvis are not parties to the stipulation, proposed settlement, and request for relief. For the reasons below, the Board 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 the following authorities:

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

- Count III: Disposing, storing, and/or abandoning wastes at a site that does not meet the requirements of the Act and regulations promulgated under it in violation of Section 21(e) of the Act (415 ILCS 5/21(e) (2022));
- Count IV: Causing or allowing the open dumping of waste in violation of Section 21(a) of the Act (415 ILCS 5/21(a) (2022)) in a manner that resulted in litter, thereby violating Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2022)); and
- Count V: By causing or allowing open dumping at the site that resulted in open burning in violation of Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (2022)), and by causing or allowing the open burning of refuse at the site in a manner unapproved by the Board in violation of Section 9(c) of the Act (415 ILCS 5/9(c) (2022)), respondents caused, threatened, or allowed the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois in violation of Section 9(a) of the Act (415 ILCS 5/9(a) (2022)).

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

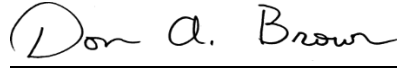
On March 25, 2025, the People and respondent Bob Jarvis filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondent Bob Jarvis admits the alleged violations. The stipulation and proposed settlement reports that, "[a]fter the Respondent [Bob Jarvis] submitted financial information and based upon the representations provided by the Respondent, the Complainant has determined that the Respondent currently has no ability to pay a civil penalty." Under the proposed settlement, respondent Bob Jarvis must cease and desist from future violations of the Act and regulations that were the subject of the complaint.

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 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.

The violations alleged to have been committed by respondents Robert Wietholder and Desmond Jarvis remain at issue.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 3, 2025, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board