

ILLINOIS POLLUTION CONTROL BOARD

April 3, 2025

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

OPINION AND ORDER OF THE BOARD (by J.A. Van Wie):

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. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2022)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *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 under it;
- 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.

On February 7, 2025, 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Vienna Times* on February 27, 2025. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2022); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Respondents' operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2022)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Respondents admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2022)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Respondents agree to pay a civil penalty of \$60,000 within 30 days after the date of this order. The People and Respondents have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Respondents Jerry Stafford and Samson's Whitetail Mountain, LLC must pay a civil penalty of \$60,000 no later than Monday, May 5, 2025, which is the first business day following the 30th day after the date of this order. Respondents must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental

Protection Trust Fund. The case name and case number must appear on the certified check or money order.

3. Respondents must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services Division
2520 West Iles Avenue
P.O. Box 19276
Springfield, Illinois 62794-9276

Respondents must send a copy of the certified check or money order and any transmittal letter to:

Kevin D. Barnai, Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South 2nd Street
Springfield, Illinois 62701

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2022)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2022)).
5. Respondents must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2022); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Illinois Attorney General's Office Attn.: Kevin D. Barnai, Asst. Atty. General Environmental Bureau 500 South 2nd Street Springfield, Illinois 62701 Kevin.Barnai@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov
Jerry Stafford and Samson's Whitetail Mountain, LLC Attn.: John R. Schneider Johnson, Schneider & Ferrell, LLC 212 North Main Street Cape Girardeau, Missouri 63701 attorneyschneider@hotmail.com erica@johnsonschneider.com	

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



Don A. Brown, Clerk
Illinois Pollution Control Board