

ILLINOIS POLLUTION CONTROL BOARD
November 4, 2021

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 22-13
) (Enforcement – Land and Air)
TIM SCHISLER, d/b/a MAPLE CITY)
CONSTRUCTION, an unincorporated entity,)
and RCM TRANSPORT, INC., an Illinois)
corporation,)
)
Respondents.)

ORDER OF THE BOARD (by B.F. Currie):

On October 15, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eight-count complaint against Tim Schisler d/b/a Maple City Construction (Schisler) and RCM Transport, Inc. (RCM Transport). The complaint concerns RCM Transport’s property located on the west side of 90th Street, approximately a half mile north of 245th Avenue, in Gerlaw, Warren County. 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 (2020)), 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 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that Schisler and RCM Transport violated multiple sections of the Act. Counts I, II, III, VII, and VIII are alleged against both Schisler and RCM Transport, and Counts IV, V and VI are alleged against only RCM Transport, as follows:

- Count I** Section 21(a) of the Act (415 ILCS 5/21(a) (2020)), by causing or allowing open dumping of waste;
- Count II** Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2020)), by causing or allowing open dumping of waste in a manner that resulted in litter;
- Count III** Section 21(p)(7)(i) of the Act (415 ILCS 5/21(p)(7) (2020)), by causing or allowing the open dumping of waste in a manner that resulted in the deposition of general construction or demolition debris;

- Count IV** Section 21(d)(1) of the Act (415 ILCS 5/21(d)(1) (2020)), by conducting a waste-disposal operation without a permit;
- Count V** Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2020)) and, Section 812.101(a) of the Board's Waste regulations (35 Ill. Adm. Code 812.101(a)), by operating a landfill without a permit;
- Count VI** Section 21(e) of the Act (415 ILCS 5/21(e) (2020)), by disposing, storing, and/or abandoning waste at an improper site;
- Count VII** Section 9(a) and (c) of the Act (415 ILCS 5/9(a) and (c) (2020)), by causing, threatening or allowing the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution and by causing or allowing the open burning of refuse in a manner that was not approved by IEPA or the Board; and
- Count VIII** Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (2020)), by causing or allowing open dumping that resulted in open burning.

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 October 15, 2021, simultaneously with the People's complaint, the People and Schisler and RCM Transport 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) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), 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, both Schisler and RCM Transport neither admit nor deny the alleged violations. Schisler agrees to pay a civil penalty of \$2,000.00, and RCM Transport agrees to pay a civil penalty of \$6,200.00.

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) (2020); 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 November 4, 2021, by a vote of 4-0.

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