

Count III—Violated Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2024), by causing or allowing the open dumping of waste at the Disposal Site in violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2024), in a manner that resulted in the deposition of general construction or demolition debris.

Count IV—Violated Section 9(c) of the Act, 415 ILCS 5/9(c) (2024), and Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2024), by causing or allowing the open burning of refuse at the Disposal Site in a manner that was not approved by the Illinois Environmental Protection Agency (Illinois EPA) or the Board.

Count V—Violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2024), by conducting a waste-disposal operation at the Disposal Site without a permit granted by Illinois EPA.

Count VI—Violated Section 812.101(a) of the Board’s regulations, 35 Ill. Adm. Code 812.101(a), and Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2024), by developing and operating a landfill at the Disposal Site without receiving a permit from the Illinois EPA.

Count VII—Violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2024), by disposing and/or abandoning wastes at the Disposal Site.

On November 12, 2025, the People, Birch Creek, and Stutzman 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) (2024)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2024)), 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 *River County News* on November 26, 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) (2024); 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 Birch Creek and Stutzman’s 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) (2024)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Birch Creek and Stutzman neither admit nor deny the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2024)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Birch Creek and Stutzman agree to pay a civil penalty of \$21,000 within one year of the date of this order, split into three equal payments of \$7,000. The People, Birch Creek, and Stutzman 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. Birch Creek and Stutzman must pay a civil penalty of \$21,000 in three equal payments of \$7,000 no later than Friday, January 8, 2027. Birch Creek and Stutzman must pay the first payment no later than Monday, February 9, 2026, which is the first business day following the 30th day after the date of this order. Birch Creek and Stutzman must pay the second payment no later than Tuesday July 7, 2026. Birch Creek and Stutzman must pay the final payment no later than Friday, January 8, 2027. Birch Creek and Stutzman 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. Birch Creek and Stutzman must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services
2520 W. Iles Ave
P.O. Box 19276
Springfield, Illinois 62704

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

Bridget I. Flynn
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second 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) (2024)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2024)).
5. Birch Creek and Stutzman 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) (2024); *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
Rammelkamp Bradney, P.C. Attn.: Amy L. Jackson 232 West State Street Jacksonville, Illinois 62651 ajackson@rblawyers.net	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren St. Suite 630 Chicago, Illinois 60605 Don.brown@illinois.gov
Office of the Illinois Attorney General Attn.: Bridgit Flynn, Asst. Attorney General Environmental Bureau 500 South Second Street Chicago, Illinois 62701 bridget.flynn@ilag.gov	
Illinois Environmental Protection Agency Attn.: Brian Navarrete, Asst. Counsel brian.navarrete@illinois.gov	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on January 8, 2026, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board