

ILLINOIS POLLUTION CONTROL BOARD
May 12, 2022

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 21 - 26
) (Enforcement – Land)
YAK MAT, LLC, a Mississippi limited)
liability company, BIRCH CREEK TIMBER,)
LLC, an Illinois limited liability company, and)
LEON STUTZMAN, an individual,)
)
Respondents.)

ORDER OF THE BOARD (by M. Gibson):

On September 29, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a seven-count complaint against Yak Mat, LLC (Yak Mat), Birch Creek Timber, LLC (Birch Creek), and Leon Stutzman (collectively, Respondents). Yak Mat supplies access mats used in the construction and other industries, including timber mats. Birch Creek is a hauling company. Leon Stutzman is the manager for Birch Creek and the owner of the sites at issue. The complaint concerns timber mats owned by Yak Mat, hauled by Birch Creek, and disposed of at a property located near the intersection of County Roads 2650N and 1725E, approximately one-mile east-northeast of Roodhouse, Greene County, Illinois (Disposal Site) and a property located at 1392 NE 800 Avenue, Roodhouse, Greene County, Illinois (Stutzman Site), both owned by Mr. Stutzman. For the reasons below, the Board directs the Clerk to provide public notice of the People and Yak Mat’s stipulation, proposed settlement, and request for relief from the hearing requirement.

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 Respondents violated:

Count I—Violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2020), by causing or allowing the open dumping of waste at the Disposal Site and the Stutzman Site.

Count II—Violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2020), 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) (2020), in a manner that resulted in litter.

Count III—Violated Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2020), 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) (2020), 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) (2020), and Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2020), by causing or allowing the open burning of refuse at the Disposal Site in a manner that was not approved by Illinois EPA or the Board.

Count V—Violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2020), 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) (2020), 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) (2020), by disposing and/or abandoning wastes at the Disposal Site.

On April 22, 2022, the People and Yak Mat 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, Yak Mat admits the alleged violations and agrees to pay a civil penalty of \$21,000. The proposed settlement does not include either Birch Creek or Leon Stutzman, and the case continues against those two respondents.

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 May 12, 2022, by a vote of 5-0.

Don A. Brown

Don A. Brown, Clerk
Illinois Pollution Control Board