

ILLINOIS POLLUTION CONTROL BOARD

June 23, 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.)	

OPINION AND 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. In a separate stipulation, the People and Yak Mat now seek to settle without a hearing. Birch Creek and Leon Stutzman are not parties to this stipulation. For the reasons below, the Board accepts the stipulation and proposed settlement.

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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Greene Prairie Press* on May 18, 2022. 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) (2020); 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. 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 Yak Mat'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) (2020)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Yak Mat admits the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2020)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Yak Mat agrees to pay a civil penalty of \$21,000 within 30 days after the date of this order. The People and Yak Mat 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.¹

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Yak Mat must pay a civil penalty of \$21,000 by July 25, 2022, which is the first business day following the 30th day after the date of this order. Yak Mat 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 number and case name must appear on the certified check or money order.
3. Yak Mat must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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

Emma L. Hudspath
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, IL 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) (2020)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2020)).
5. Yak Mat 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.

¹ The case against Birch Creek and Leon Stutzman continues. As the Board today accepts the stipulation and proposed settlement involving the People and Yak Mat, the caption of subsequent orders issued in this docket will not include Yak Mat.

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) (2020); *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
Emma L. Hudspath Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 500 South Second Street Springfield, IL 62701 Emma.Hudspath@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 don.brown@illinois.gov
Rammelkamp Bradney, P.C. Attn: Amy L. Jackson 232 West State Street, P.O. Box 550 Jacksonville, IL 62651 ajackson@rblawyers.net Yak Mat, LLC Attn: CT Corporation System 208 S. LaSalle Street, Ste. 814 Chicago, IL 60604-1136	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 23, 2022, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board

