

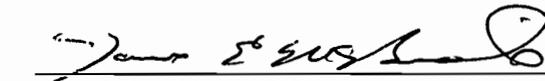
**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB NO.</b>
	)	
<b>KJMM PARTNERSHIP,</b>	)	
<b>an Illinois General Partnership,</b>	)	
	)	
<b>Respondent.</b>	)	

**NOTICE OF FILING**

To: Arlie E. Traughber  
Traughber & Morris, Ltd  
217 S. Main Street  
P.O. Box 587  
Columbia, IL 62236

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, of the People of the State of Illinois by LISA MADIGAN, Attorney General of the State of Illinois, a copy of which is herewith served upon you.

  
\_\_\_\_\_  
JANE E. MCBRIDE, Assistant Attorney General

Dated: July 15, 2015

JANE E. MCBRIDE, #6229802  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9033

CERTIFICATE OF SERVICE

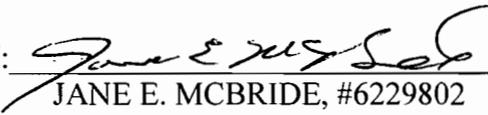
I hereby certify that on July 15, 2015, via First Class Mail, Certified, Return Receipt, with postage thereon fully prepaid and by depositing in a United States Post Office Box, I mailed a true and correct copy of the Notice of Filing to:

Arlie E. Traugher  
Traugher & Morris, Ltd  
217 S. Main Street  
P.O. Box 587  
Columbia, IL 62236

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN, Attorney General of the  
State of Illinois,

JANE E. MCBRIDE, Assistant Chief  
Environmental Bureau South

BY:   
JANE E. MCBRIDE, #6229802  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9033

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF</b>	)	
<b>ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB NO.</b>
	)	<b>(Water Enforcement)</b>
<b>KJMM Partnership</b>	)	
<b>an Illinois General Partnership</b>	)	
	)	
<b>Respondent.</b>	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, KJMM PARTNERSHIP, as follows:

**COUNT I**  
**WATER POLLUTION**

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2012).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2012), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").

3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2012), after providing Respondent KJMM Partnership with notice and the opportunity for a meeting with the Illinois EPA.

4. Respondent KJMM Partnership ("KJMM") owns and operates a swine wean-to-finish facility located at 11405 Range Lane, Marissa, Illinois, St. Clair County, Illinois, ("the facility"). The legal description of the facility is Section 11, Township 3S, Range 6W S 500

FT E 300 FT SW & PT SW SE IN A02219193, 194 &195 (Marissa Township).

5. The facility is composed of sixteen barns, with a total animal capacity of 9000. As of April 17, 2012, the facility held 6500 swine over 55 lbs. and 2500 swine under 55 lbs. The livestock waste is managed via underfloor pits and a three-stage lagoon system. The facility also has a composting operation for mortalities. The liquid swine manure is surface applied to crop fields on property surrounding the facility.

6. Section 12(a) of the Act, 415 ILCS 5/12(a) (2012), provides, in pertinent part, as follows:

No person shall:

- a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act;

7. Section 3.165 of the Act, 415 ILCS 5/3.165 (2012), contains the following definition:

'CONTAMINANT' is any solid, liquid, or gaseous matter, any odor or any form of energy, from whatever source.

8. Section 3.545 of the Act, 415 ILCS 5/3.545 (2012), contains the following definition:

'WATER POLLUTION' is such alteration of the physical, thermal, chemical, biological, or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such water harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

9. Section 3.550 of the Act, 415 ILCS 5/3.550 (2012), contains the following definition:

'WATERS' means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

10. On April 17, 2012, and April 2, 2013, the Illinois EPA conducted inspections at the facility.

April 17, 2012 Inspection

11. On April 16, 2012, the Illinois EPA received a citizen complaint regarding land application of manure running off onto private land located at 1805 State Route 4, Marissa, Illinois.

12. On April 17, 2012, the Illinois EPA conducted an inspection in response to the citizen complaint.

13. At the time of the inspection, manure runoff from a nearby field was entering a private pond on the private land that was the subject of the citizen complaint.

14. There was dark colored water in the private pond, as well as small dead fish.

15. On April 16, 2012, or a date better known to Respondent, the facility had land applied manure to a field within 100 feet of the mouth of an unnamed tributary. Manure runoff from the facility's land application drained into the unnamed tributary which discharged into the private pond.

16. At the time of the April 17, 2012 inspection, Illinois EPA inspectors travelled approximately one mile to the facility, where dark, manure laden water was flowing in an intermittent, unnamed tributary ("unnamed tributary") in a southwesterly direction over the site. The unnamed tributary flows overland for approximately one mile before discharging into Mud Creek.

17. The source of the manure-laden water in the unnamed tributary was a leak from

Respondent's livestock waste land application system.

18. Mud Creek is a perennial stream that flows approximately 2.3 miles to the Kaskaskia River, which flows to the Mississippi River.

19. The Illinois EPA inspectors inspected the facility's mortality composting operation located on the west side of the facility. The composting operation lacked a cover and was exposed to precipitation. A hole had been cut in the concrete to allow discharge of leachate from the compost bay, for which there was no containment measures in place to prevent discharge. As a result, the leachate began channelized flow to the northeast then north down gradient, eventually flowing into the unnamed tributary.

20. At the time of the April 17, 2012 inspection, what is known as the White Barn waste pit at the facility was full and had recently overflowed with manure-laden water. At the time of the April 17, 2012 inspection, standing manure-laden water surrounded the White Barn. The drainage path of the standing manure-laden water flows into the unnamed tributary in the event of precipitation.

21. Waste water from four barns at the facility is pumped to a three stage manure lagoon system for treatment.

22. Waste water from stage three overflows and discharges from a pipe in the west berm of the lagoon into an unnamed tributary that flows south approximately 80 yards into the unnamed tributary.

23. At the time of the April 17, 2012 inspection, standing water was present where the stage three lagoon overflow pipe discharges.

24. At the time of the April 17, 2012 inspection, samples were collected from the unnamed tributary, compost area, and the stage three lagoon discharge. Analytical results indicated ammonia concentrations of 51.9 milligrams per liter ("mg/L") in the unnamed tributary,

3200 mg/L in the pooled composting leachate, and 83.9 mg/L in the lagoon discharge.

25. The discharges from the facility in April 2012 resulted in a pollution impact on the unnamed tributary to Mud Creek. The discharges to the unnamed tributary that flowed into Mud Creek were discharges to waters of the State.

April 2, 2013 Inspection

26. On April 2, 2013, the Illinois EPA inspectors conducted a follow up inspection at the facility.

27. At the time of the inspection, liquid manure from the land application of manure on a nearby field was running off the land into the unnamed tributary. Large amounts of liquid manure remained on the land application site.

28. The Illinois EPA inspectors followed the unnamed tributary over two miles to its confluence with Mud Creek, where dark manure-laden water was draining into the creek.

29. Respondent admitted that the land application equipment had malfunctioned and over applied the manure to a wheat field, resulting in the release of approximately 20,000 gallons of manure material.

30. At the directive of the inspectors, Respondent created a dam in order to prevent additional manure-laden water from reaching Mud Creek.

31. At the time of the April 2, 2013 inspection, the Illinois EPA inspector took water samples from (1) the unnamed tributary approximately 25 feet downstream of the manure applied field and (2) the unnamed tributary approximately 100 feet upstream of Mud Creek and 20 feet upstream of the temporary dam. Analytical results from the unnamed tributary 25 feet downstream of the field indicated an ammonia concentration of 330 mg/L. Analytical results from the unnamed tributary just before the temporary dam indicated an ammonia concentration of 47.7 mg/L.

32. The discharges from the facility in April 2013 resulted in a pollution impact to the unnamed tributary to Mud Creek. The discharges to the unnamed tributary that flowed into Mud Creek were discharges to waters of the State.

33. On June 7, 2012, the Illinois EPA issued a Violation Notice (VN # W-2012-50131) pursuant to Section 31, of the Act, 415 ILCS 5/31 (2012), based on the April 17, 2012 inspection.

34. On July 18, 2012, Respondent responded to the VN through Frank & West Environmental Engineers, Inc.

35. On October 1, 2012, the Illinois EPA issued a proposed Compliance Commitment Agreement (CCA) to the Respondent.

36. The Respondent failed to execute the CCA.

37. On August 30, 2012, the Respondent submitted an NPDES permit application to the Illinois EPA.

38. On June 27, 2013, the Illinois EPA issued an NPDES permit for the facility.

39. On May 23, 2013, the Illinois EPA sent the Respondent a Notice of Intent to Pursue Legal Action, based on the April 12, 2012 inspection, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2012).

40. On June 27, 2013, a meeting was held pursuant to Section 31 of the Act, 415 ILCS 5/31 (2012).

41. On May 22, 2013, the Illinois EPA issued VN W-2013-50134 pursuant to Section 31 of the Act, 415 ILCS 5/31 (2012), based upon the April 2, 2013 inspection.

42. By letter dated July 5, 2013, the Respondent waived its rights with regards to the Section 31 meeting process in the matter of VN W-2013-50134.

43. Respondent, KJMM Partnership, has caused, allowed or threatened the discharge of contaminants to waters of the State so as to cause or tend to cause water pollution in Illinois or

to violate the Board's regulations or standards by surface land applying liquid swine manure onto agricultural land resulting in runoff to waters of the State, allowing discharges from its composting facility, and discharging liquid swine manure from the manure lagoon treatment system in a quantity and manner such that it threatened or caused a discharge into waters of the State.

44. By causing, allowing or threatening the surface land applications of liquid swine manure that resulted in runoff to waters of the State, allowing discharges from its composting facility, and discharging liquid swine manure from the manure lagoon treatment system into waters of the State so as to cause or tend to cause water pollution in Illinois or to violate the Board's regulations or standards, Respondent, KJMM Partnership, has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, KJMM Partnership:

- A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2012), imposing upon Respondent a civil penalty not to exceed fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty not to exceed ten thousand dollars (\$10,000) for each day during which each such violation has continued thereafter;
- E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

**COUNT II**  
**WATER POLLUTION HAZARD**

1-42. Complainant realleges and incorporates by reference herein paragraphs 1 through 42 of Count I as paragraphs 1 through 42 of this Count II.

43. Section 12(d) of the Act, 415 ILCS 5/12(d) (2012), provides, in pertinent part, as follows:

No person shall:

\* \* \* \*

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard;

44. Respondent, KJMM Partnership, has caused or allowed liquid swine manure to be deposited upon the land through the surface application of manure in such a place and manner as to create a water pollution hazard through its discharge to the unnamed tributary of Mud Creek, which discharges into the Kaskaskia River.

45. By depositing liquid swine manure upon the land through the surface application of manure in such a place and manner as to create a water pollution hazard, Respondent, KJMM Partnership, violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2012).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, KJMM Partnership:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

- B. Finding that Respondent has violated the Act as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2012), imposing upon

Respondent a civil penalty not to exceed fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty not to exceed ten thousand dollars (\$10,000) for each day during which each such violation has continued thereafter;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), awarding to Complainant its costs and reasonable attorney's fees; and

- F. Granting such other relief as the Board may deem appropriate.

**COUNT III**  
**NPDES VIOLATIONS**

1-42. Complainant realleges and incorporates by reference herein paragraphs 1 through 42 of Count I as paragraphs 1 through 42 of this Count III.

43. Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), provides the following prohibitions:

No person shall:

\* \* \* \*

- (f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

No permit shall be required under this subsection and under Section 39(b) of this Act for any discharge for which a permit is not required under the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

44. Section 309.102(a) of the Board's Water Pollution Regulations, 35. Ill. Adm. Code

309.102(a), provides:

Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

45. Section 502.101 of the Board's Agriculture Related Pollution Regulations, 35 Ill.

Adm. Code 502.101, at the time of the alleged violations, provided as follows:

No person specified in Sections 502.102, 502.103 or 502.104 or required to have a permit under the conditions of Section 502.106 shall . . . . cause or allow the operation of any existing livestock management facility or livestock waste-handling facility without a National Pollutant Discharge Elimination System ("NPDES") permit....

46. Section 502.103 of the Board's Agriculture Related Pollution Regulations, 35 Ill.

Adm. Code 502.103, at the time of the alleged violations, provided as follows:

Very Large Operators

(a) An NPDES permit is required if more than the following numbers of animals specified in any of the following categories are confined:

<u>Number of Animals</u>	<u>Kind of Animals</u>
*** 2500	*** Swine weighing over 55 pounds
*** 1000	*** Animal Units

\* \* \* \* \*

47. As set forth in Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), the state CAFO NPDES program is to be based on the requirements of the federal program. Thus, the

underlying federal regulations are set forth herein to establish that the allegations are based on both the existing state and federal regulations.

48. 40 C.F.R. §122.21, provides, in pertinent part:

§122.21 Application for a permit (applicable to State NPDES programs, see § 123.25)

(a) Duty to apply.

(1) Any person who discharges or proposes to discharge pollutants or who owns or operates a "sludge-only facility" whose sewage sludge use or disposal practice is regulated by part 503 of this chapter, and who does not have an effective permit, except persons covered by general permits under § 122.28, excluded under § 122.3, or a user of a privately owned treatment works unless the Director requires otherwise under § 122.44(m), must submit a complete application to the Director in accordance with this section and part 124 of this chapter. The requirements for concentrated animal feeding operations are described in § 122.23(d).

49. 40 C.F.R. §122.23(a), provides, in pertinent part:

§122.23 Concentrated animal feeding operations (applicable to State NPDES programs, see § 123.25).

(a) *Scope.* Concentrated animal feeding operations (CAFOs), as defined in paragraph (b) of this section or designated in accordance with paragraph (c) of this section, are point sources, subject to NPDES permitting requirements as provided in this section. Once an animal feeding operation is defined as a CAFO for at least one type of animal, the NPDES requirements for CAFOs apply with respect to all animals in confinement at the operation and all manure, litter, and process wastewater generated by those animals or the production of those animals, regardless of the type of animal.

50. 40 C.F.R. §§122.23(b)(1), and (b)(2), provide, in pertinent part:

(b) Definitions applicable to this section:

(1) *Animal feeding operation* ("AFO") means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

(i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and

(ii) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(2) Concentrated animal feeding operation ("CAFO") means an AFO that is defined as a Large CAFO or as a Medium CAFO by the terms of this paragraph, or that is designated as a CAFO in accordance with paragraph ( c ) of this section . . .

\* \* \* \*

51. 40 C.F.R. §122.23(b)(5), provides, in pertinent part:

(5) The term manure is defined to include manure, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.

52. 40 C.F.R. §122.23(b)(4), provides, in pertinent part:

(4) Large concentrated animal feeding operation ("Large CAFO"). An AFO is defined as a Large CAFO if it stables or confines as many as or more than the numbers of animals specified in any of the following categories:

\* \* \* \*

(iv) 2,500 swine each weighing 55 pounds or more;

\* \* \* \*

53. 40 C.F.R. §122.23(d)(1), provides, in pertinent part:

(d) NPDES permit authorization.--

(1) Permit Requirement. A CAFO must not discharge unless the discharge is authorized by an NPDES permit. In order to obtain authorization under an NPDES permit, the CAFO owner or operator must either apply for an individual NPDES permit or submit a notice of intent for coverage under an NPDES general permit.

54. 40 C.F.R. §122.23(e), provides, in pertinent part:

(e) Land application discharges from a CAFO are subject to NPDES requirements. The discharge of manure, litter or process wastewater to waters of the United States from a CAFO as a result of the application of that manure, litter or process wastewater by the CAFO to land areas under its control is a discharge from that CAFO subject to NPDES permit requirements....

55. The facility is a CAFO as defined by 40 C.F.R. §§122.23(b)(1), (b)(2), and (b)(4).

56. The discharges that occurred on April 17, 2012 were a result of the land application of liquid swine manure onto agricultural land in such a place and manner that allowed runoff.

57. The land application of livestock waste on April 17, 2012 occurred on land in areas at the facility that drained to an unnamed tributary that discharges into Mud Creek. Mud Creek is a perennial stream tributary to the Kaskaskia River. As such, the land application of livestock waste existed on the land that discharged to waters of the United States.

58. The discharges that occurred on April 2, 2013 were a result of the land application of liquid swine manure onto agricultural land in such a place and manner that allowed runoff.

59. The land application of livestock waste on April 2, 2013 occurred on land in areas at the facility that drained to an unnamed tributary that discharges into Mud Creek. Mud Creek is a perennial stream tributary to the Kaskaskia River. As such, the land application of livestock waste existed on the land that discharged to waters of the United States.

60. As of April 17, 2012 and April 2, 2013, the facility confined 6500 swine over 55 lbs.

61. The facility was therefore a "Very Large Operator" as defined by Section 502.103 of the Board's Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 502.103, at the time of the alleged violations.

62. As a CAFO whose land application of manure caused a discharge to the waters of the United States, and as a "Very Large Operator", Respondent was required to have NPDES permit coverage, as required by 40 C.F.R. §122.23(e), and Section 502.101 of the Board's Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 502.101.

63. At the time of the April 17, 2012 and April 2, 2013 discharges, Respondent, KJMM Partnership, did not have NPDES permit coverage for point source discharges from the facility.

64. By causing, allowing or threatening the discharge of any contaminant into the

waters of the state without a NPDES permit for discharge issued by the Agency, Respondent, KJMM Partnership, has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), 35 Ill. Adm. Code 309.102(a), and 35 Ill. Adm. Code 502.101.

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, KJMM Partnership:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated the Act and associated Board regulations as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and associated Board regulations;

D. Pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2012), imposing upon Respondent for every NPDES related violation a civil penalty not to exceed ten thousand dollars (\$10,000) per day of violation;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

**COUNT IV**  
**OFFENSIVE CONDITIONS**

1-42. Complainant realleges and incorporates by reference herein paragraphs 1 through 42 of Count I as paragraphs 1 through 42 of this Count IV.

43. Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, provides:

Section 302.203 Offensive Conditions

Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin.

44. Respondent, KJMM Partnership, has caused or allowed liquid swine manure to be discharged into waters of the state in such a manner as to create deposits, odor, color, and turbidity of other than natural origin in the unnamed tributary of Mud Creek, which discharges into the Kaskaskia River, all of which are waters of the State.

45. By causing or allowing liquid swine manure to be discharged in such a manner as to create deposits, odor, color and turbidity of other than natural origin in waters of the State, Respondent, KJMM Partnership, has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012), and 35 Ill. Adm. Code 302.203.

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, KJMM Partnership:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated the Act and associated Board regulations as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and associated Board regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2012), imposing upon Respondent a civil penalty not to exceed fifty thousand dollars (\$50,000) for each violation of the Act and regulations, and an additional penalty not to exceed ten thousand dollars (\$10,000) for each day during which each such violation has continued thereafter;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), awarding to

Complainant its costs and reasonable attorney's fees; and

- F. Granting such other relief as the Board may deem appropriate.

**COUNT V**  
**WATER QUALITY VIOLATIONS**

1-38. Complainant realleges and incorporates by reference herein paragraphs 1 through 6, and paragraphs 11 through 42 of Count I as paragraphs 1 through 38 of this Count V.

39. Section 302.212(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.212(a), provides:

- a) Total ammonia nitrogen (as N: STORET Number 00610) must in no case exceed 15 mg/L.

40. In 2013, Respondent, KJMM Partnership, caused or allowed a discharge of livestock waste into an unnamed tributary of Mud Creek that resulted in ammonia concentrations ranging from 330 mg/L to 47.7 mg/L in the unnamed tributary.

41. By causing or allowing total ammonia nitrogen concentrations that exceeded 15 mg/L in waters of the State, Respondent, KJMM Partnership, has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012), and 35 Ill. Adm. Code 302.212 (a).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent KJMM Partnership:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated the Act and associated Board regulations as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and

associated Board regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2012), imposing upon Respondent a civil penalty not to exceed fifty thousand dollars (\$50,000) for each violation of the Act and regulations, and an additional penalty not to exceed ten thousand dollars (\$10,000) for each day during which each such violation has continued thereafter;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

**COUNT VI**  
**AGRICULTURE RELATED POLLUTION VIOLATIONS**

1-42. Complainant realleges and incorporates by reference herein paragraphs 1 through 42 of Count I as paragraphs 1 through 42 of this Count V.

43. Section 501.404(c)(4)(A) of the Board's Agriculture Related Water Pollution Regulations, 35 Ill. Adm. Code 501.404(c)(4)(A), at the time of the alleged violations, provided as follows:

4) Liquid Livestock Waste

A) Existing livestock management facilities which handle the waste in a liquid form shall have adequate storage capacity in a liquid manure-holding tank, lagoon, holding pond, or any combination thereof so as not to cause air or water pollution as defined in the Act or applicable regulations. If inadequate storage time causes or threatens to cause a violation of the Act or applicable regulations, the Agency may require that additional storage time be provided. In such cases, interim pollution prevention measures may be required by the Agency.

44. Respondent, KJMM Partnership, by causing or allowing the overflow of livestock waste from the White Barn waste pit on or around April 17, 2012 so as to cause water pollution as

defined in the Act, has failed to provide adequate storage capacity in a liquid manure-holding tank, lagoon, or holding pond.

45. By causing or allowing water pollution by failing to provide adequate storage capacity for liquid livestock waste, Respondent, KJMM Partnership, has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012), and 35 Ill. Adm. Code 501.404(c)(4)(A).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, KJMM Partnership:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated the Act and associated Board regulations as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and associated Board regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2012), imposing upon Respondent a civil penalty not to exceed fifty thousand dollars (\$50,000) for each violation of the Act and regulations, and an additional penalty not to exceed ten thousand dollars (\$10,000) for each day during which each such violation has continued thereafter;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN, Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

By:



ANDREW B. ARMSTRONG, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel  
JANE E. MCBRIDE  
500 South Second Street  
Springfield, Illinois 62706  
217-782-9031  
Dated:

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2015, via First Class Mail, Certified, Return Receipt, with postage thereon fully prepaid and by depositing in a United States Post Office Box, I mailed a true and correct copy of the Complaint to:

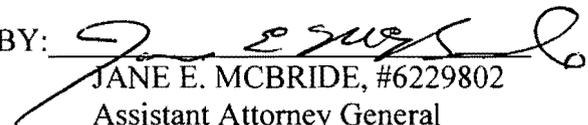
Arlie E. Traughber  
Traughber & Morris, Ltd  
217 S. Main Street  
P.O. Box 587  
Columbia, IL 62236

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN, Attorney General of the  
State of Illinois,

JANE E. MCBRIDE, Assistant Chief  
Environmental Bureau South

BY:



JANE E. MCBRIDE, #6229802  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9033

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB NO.</b>
	)	
<b>KJMM PARTNERSHIP,</b>	)	
<b>an Illinois General Partnership,</b>	)	
	)	
<b>Respondent.</b>	)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENT**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, the Complainant states as follows:

1. Along with this Motion, Complainant is filing the initial Complaint in this matter and a Stipulation and Proposal for Settlement executed between Complainant and Respondent KJMM Partnership, An Illinois General Partnership.

2. Section 31 of the Act, 415 ILCS 5/31 (2014), provides, in pertinent part, as follows:

\* \* \*

(c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for

hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

\* \* \*

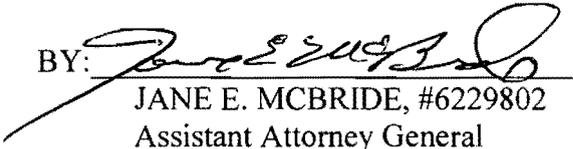
3. No hearing is scheduled in this matter.
4. The Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2) (2014).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN, Attorney General of the  
State of Illinois,

JANE E. MCBRIDE, Assistant Chief  
Environmental Bureau South

BY: 

JANE E. MCBRIDE, #6229802  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9033  
Dated: July 15, 2015

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2015, via First Class Mail, Certified, Return Receipt, with postage thereon fully prepaid and by depositing in a United States Post Office Box, I mailed a true and correct copy of the Motion for Relief from Hearing Requirement to:

Arlie E. Traughber  
Traughber & Morris, Ltd  
217 S. Main Street  
P.O. Box 587  
Columbia, IL 62236

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN, Attorney General of the  
State of Illinois,

JANE E. MCBRIDE, Assistant Chief  
Environmental Bureau South

BY:   
JANE E. MCBRIDE, #6229802  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9033

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant</b>	)	
	)	
<b>v.</b>	)	<b>PCB No.</b>
	)	
<b>KJMM PARTNERSHIP,</b>	)	
<b>an Illinois General Partnership</b>	)	
	)	
<b>Respondent</b>	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and KJMM PARTNERSHIP ("Respondent"), the Parties to the Stipulation and Proposal for Settlement ("Parties to the Stipulation"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2012), and the Board's Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to this Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties**

1. On the same day as the filing of this Stipulation, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2012), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2012).

3. At all times relevant to this Stipulation, Respondent KJMM Partnership ("KJMM") owned and operated a swine wean-to-finish facility located at 11405 Range Lane, Marissa, Illinois, St. Clair County, Illinois, ("the facility"). The legal description of the facility is Section 11, Township 3S, Range 6W S 500 FT E 300 FT SW & PT SW SE IN A02219193, 194 &195 (Marissa Township).

**B. Site Description**

The facility is composed of sixteen barns, with a total animal capacity of 9000. As of April 17, 2012 and April 2, 2013, the facility held 6500 swine over 55 lbs. and 2500 swine under 55 lbs. The livestock waste is managed via underfloor pits and a three-stage lagoon system. The facility also has a composting operation for mortalities. The liquid swine manure is surface applied to crop fields on property surrounding the facility. The facility is in the watershed of Mud Creek. Mud Creek is a perennial stream that flows approximately 2.3 miles to the Kaskaskia River, which flows to the Mississippi River

**C. Complainant's Allegations of Non-Compliance**

Complainant contends that the Respondent has violated the following provisions of the Act and Board Regulations.

- Count I: Water Pollution, Section 12(a) of the Act, 415 ILCS 5/12(a) (2012).
- Count II: Water Pollution Hazard, Section 12(d) of the Act, 415 ILCS 5/12(d) (2012).
- Count III: NPDES Violations, Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), 35 Ill. Adm. Code 09.102(a), and 35 Ill. Adm. Code 502.101.
- Count IV: Offensive Conditions, 35 Ill. Adm. Code 302.203 and Section 12(a) of the Act, 415 ILCS 5/12(a) (2012).
- Count V: Water Quality Violations, 35 Ill. Adm. Code 302.212(a) and Section 12(a) of the Act, 415 ILCS 5/12(a) (2012).
- Count VI: Agriculture Related Pollution Violations, 35 Ill. Adm. Code 501.404(c)(4)(A) and Section 12(a) of the Act, 415 ILCS 5/12(a) (2012).

**D. Admission of Violations**

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.C herein.

**E. Compliance Activities to Date**

On June 27, 2013, Respondent applied for and was issued a general National Pollutant Discharge Elimination System ("NPDES") for Concentrated Animal Feeding Operations for the subject facility. The Respondent implemented recommended technical compliance measures, including moving composting operations under cover, replacing faulty manure land application equipment, removing the lagoon overflow pipe, decommissioning the facility known as the White Barn, removing tap-root vegetation from lagoon berms, and completing a comprehensive nutrient management plan.

**II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2012).

### III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2012), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Human health and the environment were threatened by the uncontrolled discharge of manure to waters of the State. Respondent's failure to apply for an NPDES permit interfered with the Illinois EPA's ability to properly administer the State's NPDES program.
2. There is social and economic benefit to the Respondent's facility.
3. Respondent's facility is and was suitable for the area in which it is located.
4. Obtaining a permit, complying with its terms, and refraining from discharging manure to waters of the State was both technically practicable and economically reasonable.
5. The Respondent has subsequently applied for and obtained an NPDES permit, and has subsequently complied with the Act and the Board Regulations.

#### IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2012), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The Illinois EPA observed several violations during its inspections on April 17, 2012 and April 2, 2013. These incidents resulted in the discharge of manure to waters of the State. Subsequent to the 2012 incident, Respondent retained a consultant to commence implementation of compliance activities, as well as submit its NPDES permit application on August 30, 2012. The 2013 incident was cleaned up within a few days of the discharge.

2. Once made aware of its violations of the Act and Board regulations, the Respondent timely hired an environmental consultant. The Respondent subsequently obtained an NPDES permit for the site on June 27, 2013.

3. Prior to this enforcement action, the Respondent avoided and delayed the costs associated with removing the discharge pipe and covering the composting operation. The two land application discharge incidents were one-time accidents that did not result in delayed or avoided costs. The penalty ordered herein accounts for any economic benefit accrued from Respondent's noncompliance.

4. Complainant has determined, based upon the specific facts of this matter and Respondent's commitment to complete the below described Supplement Environmental Project, that a penalty of Two Thousand Five Hundred Dollars (\$ 2,500.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. The Respondent has no previously adjudicated violations.

6. There was no self-disclosure of the violations involved in this matter.

7. The settlement of this matter includes a supplemental environmental project.

8. There was no Compliance Commitment Agreement for the violations alleged in this matter.

## **V. TERMS OF SETTLEMENT**

### **A. Penalty Payment**

The Respondent shall pay a civil penalty in the sum of Two Thousand Five Hundred Dollars (\$2,500.00) within ten (10) days from the date the Board adopts and accepts this Stipulation.

**B. Payment Procedures**

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

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

The name, case number and the Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Jane E. McBride  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

**C. Future Compliance**

1. The Respondent will comply with all applicable permitting, recordkeeping, reporting and documentation requirements found in the Act, related regulations and Respondent's NPDES permit.
2. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.
3. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the

Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

4. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

**D. Supplemental Environmental Project**

Above and beyond corrective measures demanded by the Illinois EPA in this matter, but nonetheless recommended by the agency, as a supplemental environmental project Respondent will close out the facility's three-stage lagoon pursuant to requirements of the Illinois Livestock Management Facilities Act and decommission three additional facility buildings that have insufficient storage. Due to infiltration, the facility lagoon is difficult to manage. Elimination of the lagoon and the buildings with insufficient storage will reduce the frequency of and a portion of the need for land application of waste for this facility.

The projected cost of the work entailed in this supplemental project is \$51,000. The Respondent shall complete the project within one year of the filing of this Proposed Stipulation and Settlement without government cost share funding and within 30 days thereafter, shall submit a project completion report, including a summary of all expenditures, to the Illinois EPA for review and confirmation that the SEP was performed pursuant to this Stipulation and Proposal for Settlement. The project completion report shall include the following certification by a responsible partner official of Respondent.

I certify under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted based on my inquiry of those persons directly responsible for gathering the information, and that the information submitted in or accompanying this notification of final compliance is to the best of my knowledge true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and or imprisonment for knowing violations.

The Stage 1 lagoon shall be decommissioned pursuant to Department of Agriculture closure regulations by June 1, 2015. If weather does not permit completion of the Stage 2 and 3 lagoon closures by the end of May 2015, Respondent shall refrain from planting a crop on two fields at the subject facility so that pumping and land application from the Stage 2 and 3 lagoons can be completed in the summer of 2015 and the lagoons closed pursuant to Department of Agriculture regulations no later than October 1, 2015.

Three hog buildings (House 500 Cablevey 600 and Brown 600) shall also be decommissioned as part of this supplemental environmental project. Including the White Barn, decommissioned as part of Respondent's response to the subject discharge events, with the three additional buildings decommissioned as part of this supplemental project, a total capacity of 1,500 finishing pigs shall be eliminated from the facility production. The House Barn was removed from service in February 2014, and the Cablevey and Brown barns will house their last set of pigs and be decommissioned when empty in May 2015.

Total manure storage removed from the subject facility's waste handling system is 1,790,000 gallons. The four buildings represent 190,000 gallons of manure and the three lagoons account for 1,600,000 gallons.

Manure storage remaining for the facility is 3,740,000 gallons. The 7,800 pigs housed at the site annually produce 3,401,000 gallons.

The facility CNMP has been revised to accurately reflect the facility's modified waste handling system. Upon decommissioning of the buildings and closure of the three-stage lagoon the facility will have 401 days of storage.

**E. Release from Liability**

In consideration of the Respondent's payment of the \$2,500.00 penalty, its commitment to cease and desist as contained in Section V.C. above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act

and Board Regulations that were the subject matter of the Complaint. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed contemporaneously with this Stipulation. The Complainant reserves and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

**F. Enforcement and Modification of Stipulation**

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

**G. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS

THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

LISA MADIGAN  
Attorney General State of Illinois

LISA BONNET, Director  
Illinois Environmental Protection Agency

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

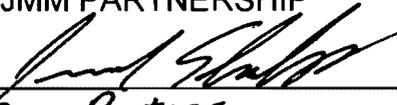
BY:   
JOHN J. KIM  
Chief Legal Counsel

BY:   
ANDREW B. ARMSTRONG, Chief  
Environmental Bureau  
Assistant Attorney General

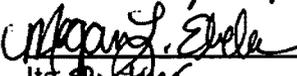
DATE: 7/8/15

DATE: 07/09/2015

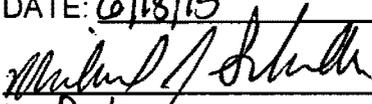
RESPONDENT  
KJMM PARTNERSHIP

 - Jared Schilling  
Its Partner

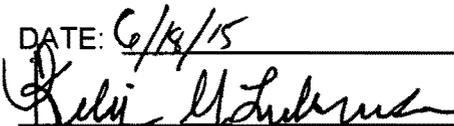
DATE: 6/18/15

 - Megan L. Ebeler  
Its Partner

DATE: 6/18/15

 - Michael J Schilling  
Its Partner

DATE: 6/18/15

 - Kelli Lubenkov  
Its Partner

DATE 6/18/15

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2015, via First Class Mail, Certified, Return Receipt, with postage thereon fully prepaid and by depositing in a United States Post Office Box, I mailed a true and correct copy of the Stipulation and Proposal for Settlement to:

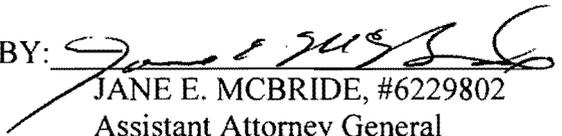
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PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN, Attorney General of the  
State of Illinois,

JANE E. MCBRIDE, Assistant Chief  
Environmental Bureau South

BY:



JANE E. MCBRIDE, #6229802  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
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