

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 17-19
	)	(Enforcement – Water)
CRANBROOK FARMS, LLC, an Illinois	)	
limited liability company,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Mr. Don Brown	Brad Halloran, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA ELECTRONIC MAIL)</b>

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **ENTRY OF APPEARANCE OF MELISSA S. BROWN, and ANSWER TO COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF** a copy of which is hereby served upon you.

Respectfully submitted,  
HEPLERBROOM, LLC,

Dated: May 5, 2017

By: /s/ Jennifer M. Martin  
One of Its Attorneys

Jennifer M. Martin  
Melissa S. Brown  
HEPLERBROOM, LLC  
4340 Acer Grove Drive  
Springfield, Illinois 62711  
(217) 528-3674  
Jennifer.Martin@heplerbroom.com  
Melissa.Brown@heplerbroom.com  
Kg2@heplerbroom.com

**CERTIFICATE OF SERVICE**

I, Jennifer M. Martin, the undersigned, certify that I have served the attached **ENTRY OF APPEARANCE OF MELISSA S. BROWN, and ANSWER TO COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF** upon:

Mr. Don Brown  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Rachel Medina  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
[RMedina@atg.state.il.us](mailto:RMedina@atg.state.il.us)  
[ebs@atg.state.il.us](mailto:ebs@atg.state.il.us)

via electronic mail on May 5, 2017.

/s/ Jennifer M. Martin  
Jennifer M. Martin

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CRANBROOK FARMS, LLC, an Illinois	)	
limited liability company,	)	
	)	
Respondent.	)	

**ENTRY OF APPEARANCE OF MELISSA S. BROWN**

NOW COMES Melissa S. Brown, of the law firm HEPLERBROOM, LLC, and hereby enters her appearance in this matter on behalf of Respondent, CRANBROOK FARMS, LLC.

Respectfully submitted,

DATE: May 5, 2017

By:           /s/ Melissa S. Brown            
          Melissa S. Brown

Melissa S. Brown  
HEPLERBROOM, LLC  
4340 Acer Grove Drive  
Springfield, Illinois 62711  
217-528-3674  
Melissa.Brown@heplerbroom.com  
Kg2@heplerbroom.com

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CRANBROOK FARMS, LLC, an Illinois	)	
limited liability company,	)	
	)	
Respondent.	)	

**ANSWER TO COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF**

NOW COMES Respondent, CRANBROOK FARMS, LLC (“Cranbrook” or “Respondent”), by and through its attorneys, HEPLERBROOM, LLC, and for its Answer to the Complaint for Injunctive and Other Relief filed by Complainant, PEOPLE OF THE STATE OF ILLINOIS, states as follows:

**COUNT I**

**CAUSING OR THREATENING WATER POLLUTION**

1. This Count 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 (2014).

**ANSWER:** Respondent admits the allegations in paragraph 1.

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 (2014), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board (“Board”).

**ANSWER:** Respondent admits the allegations in paragraph 2.

3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2014), after providing Respondent, Cranbrook Farms, LLC, with notice and the opportunity for a meeting with Illinois EPA.

**ANSWER:** Respondent admits the allegations in paragraph 3.

4. Respondent, Cranbrook Farms, LLC (“Respondent Cranbrook”), is an Illinois limited liability company. Respondent Cranbrook owns and operates a swine wean-to-finish facility located at 21334 Illinois Highway 78, Annawan, Henry County, Illinois. The legal description of this facility is SW ¼, Section 15, T17N – R5E (Alba Township). The facility is known as Cranbrook – South Farm (the “South Farm” or “facility”).

**ANSWER:** Respondent admits the allegations in paragraph 4.

5. The South Farm consist of six active swine confinement buildings, with a total capacity of 6,000 finishing pigs, and two anaerobic livestock waste storage lagoons, North Lagoon and South Lagoon. One of the confinement buildings is equipped with an eight-foot deep pit and misting system for livestock waste management. This pit is now the primary livestock waste storage structure for the facility. The other five confinement buildings are equipped with shallow pit pull-plug systems, which, until November 2014, could be emptied into either of the two lagoons. Both of the lagoons are built in sand.

**ANSWER:** Respondent admits the allegations in paragraph 5 to the extent it alleges that the South Farm consists of two anaerobic livestock waste storage lagoons, North Lagoon and South Lagoon. Respondent admits that one of the confinement buildings is equipped with an eight-foot deep pit and misting system for livestock waste management. Respondent further admits that the eight-foot deep pit is now the primary livestock waste storage structure for the facility. Respondent denies the remaining allegations. Respondent affirmatively states that the

South Farm consists of three active swine confinement buildings and one inactive swine confinement building and the buildings have a total capacity of 6,000 finishing pigs. Respondent further affirmatively states that two of the confinement buildings are equipped with shallow pit pull-plug systems, which, until November 2014, could be emptied into either of the two lagoons. Prior to November 2014, the 3,000 head building only drained into the North Lagoon. Respondent affirmatively states that very little waste was emptied into the South Lagoon since Respondent began operating the South Farm, and Respondent stopped using the South Lagoon by approximately 2012.

6. According to the facility's 2012-2015 Nutrient Management Plan, the facility generates approximately 8 million gallons of liquid livestock waste per year.

**ANSWER:** Respondent admits the allegations in paragraph 6.

7. Storm water drains from the southwest half of the facility through a series of unnamed tributaries toward the west and northwest. Storm water drains from the northeast half of the facility through a series of unnamed tributaries toward the northeast and north. All of the unnamed tributaries eventually reach the Green River, which flows west for approximately 25 miles to its confluence with the Rock River at a location approximately 1.5 miles west of Green Rock, Illinois. The Rock River continues to flow west for approximately 12 miles to its confluence with the Mississippi River at a location just west of Moline, Illinois.

**ANSWER:** Respondent has insufficient knowledge to admit or deny the allegations in paragraph 7 and, therefore, denies those allegations.

8. On November 20, 2009, March 13, 2012, September 15, 2014, and August 19, 2015, the Illinois EPA conducted inspections at the South Farm.

**ANSWER:** Respondent admits the allegations in paragraph 8.

9. At the time of the November 20, 2009 inspection, both South Farm lagoons contained livestock waste, but Cranbrook was not removing waste from either lagoon. General practice in the livestock production industry is to routinely remove the waste from storage lagoons, and apply it to crop land, in order to relieve the lagoons of their waste content so that they can receive more waste without surpassing their capacity.

**ANSWER:** Respondent admits that, at the time of the November 20, 2009 inspection, both South Farm lagoons contained livestock waste and Cranbrook was not removing waste from either lagoon. Respondent denies the remaining allegations in paragraph 9.

10. Because Respondent Cranbrook did not remove waste from its lagoons and yet the lagoons maintained capacity, the Illinois EPA inspectors concluded that waste in the South Farm lagoons was escaping through the lagoons' sandy bottoms and sides to local soil and, at a minimum, threatening groundwater, if not entering the groundwater.

**ANSWER:** Respondent has insufficient knowledge to admit or deny the allegations in paragraph 10 relating to conclusions made by Illinois EPA inspectors, and therefore, denies the same. Respondent denies the remaining allegations in paragraph 10.

11. At the time of the March 13, 2012 inspection, both lagoons were in use, and facility representatives reported that they had never removed waste from either lagoon.

**ANSWER:** Respondent denies the allegations in paragraph 11 to the extent it alleges that, at the time of the March 13, 2012 inspection, the South Lagoon was in use. Respondent admits the remaining allegations in paragraph 11.

12. The liquid in the facility's South Lagoon was green in color, and the berms around the lagoon had trees and thick vegetation.

**ANSWER:** Respondent has insufficient knowledge to admit or deny the allegations in paragraph 12 and, therefore, denies those allegations.

13. The facility's North Lagoon had larger dimensions than were reported in 2009, and it had an unsecure secondary berm made of sand.

**ANSWER:** Respondent has insufficient knowledge to admit or deny the allegations in paragraph 13 and, therefore, denies those allegations. Respondent affirmatively states that the North and South Lagoons were constructed prior to Respondent's ownership of the subject property.

14. Neither the North Lagoon nor South Lagoon had freeboard markers. Freeboard markers are used to identify the level of the liquid in a lagoon, and thereby prevent overflow, by measuring the depth and comparing it to the height of the perimeter.

**ANSWER:** Respondent admits the allegations in paragraph 14.

15. At the time of the September 15, 2014 inspection, the South Lagoon was not receiving waste.

**ANSWER:** Respondent admits the allegations in paragraph 15.

16. At the time of the September 15, 2014 inspection, the North Lagoon was receiving waste from the confinement buildings.

**ANSWER:** Respondent admits the allegations in paragraph 16.

17. At the time of the September 15, 2014 inspection, facility representatives told the Illinois EPA inspectors that waste had never been removed from the North Lagoon.

**ANSWER:** Respondent admits the allegations in paragraph 17.

18. The South Farm North Lagoon has an approximate capacity of 4.5 million gallons, and its approximate wastewater loading rate is 2.3 million gallons per year. The

wastewater loading rate is determined by combining the average addition of waste to the lagoon with the average addition of water from precipitation to the lagoon, on yearly bases. Based on the number of swine from which waste is being added to the lagoon, as well as an engineering design factor to account for additional water entering the waste system, it is estimated that 1.6 million gallons of waste are added to the lagoon yearly. Based on the precipitation-capturing area of the lagoon and available weather data for precipitation in the geographical area of South Farm, it is estimated that 0.67 million gallons of water from precipitation are added to the lagoon yearly.

**ANSWER:** Respondent admits that the South Farm North Lagoon has an approximate capacity of 4.5 million gallons. Respondent has insufficient knowledge to admit or deny the remaining allegations in paragraph 18 and, therefore, denies those allegations.

19. Considering the sand foundation of the lagoons, the continual deposition of swine manure and precipitation into the lagoons, and the lack of mechanical removal of manure from the lagoons, the inspectors concluded that waste was escaping from the lagoons into the soil and groundwater.

**ANSWER:** Respondent has insufficient information to admit or deny the allegations in paragraph 19 regarding the inspectors' conclusions, and, therefore, denies those allegations. Respondent denies the remaining allegations in paragraph 19.

20. At the time of the August 19, 2015 inspection, the condition of the facility's South Lagoon had not changed significantly from previous inspections.

**ANSWER:** Respondent admits the allegations in paragraph 20.

21. At the time of the August 19, 2015 inspection, a facility representative told the Illinois EPA inspectors that the drain lines from the confinement building to the North Lagoon

were cut on November 14, 2014, thereby physically preventing any livestock waste from being added to the North Lagoon from the confinement buildings. The facility representative further stated that Respondent Cranbrook has used the eight-foot deep pit to store all livestock waste generated at the facility since Respondent Cranbrook cut the drain lines.

**ANSWER:** Respondent admits the allegations in paragraph 21.

22. At the time of the August 19, 2015 inspection, Respondent Cranbrook had yet to remove any wastewater from the North Lagoon, and the freeboard level appeared to be the same as it was during the previous inspection.

**ANSWER:** Respondent admits the allegations in paragraph 22.

23. At the time of the August 19, 2015 inspection, there was a low area along the lagoon berm at the northeast corner of the North Lagoon. There was dead vegetation and livestock waste residue in this location and along a path to the northeast into a low wooded area (the "low wooded area"). This overflow to the low wooded area existed as a threat of discharge to surface waters via the unnamed tributaries to the north of the facility.

**ANSWER:** Respondent admits the allegations in the first sentence of paragraph 23. Respondent further admits the allegations in paragraph 23 to the extent it alleges that there was dead vegetation and livestock waste residue at the low area along the lagoon berm at the northeast corner of the North Lagoon. Respondent denies the remaining allegations in paragraph 23.

24. At the time of the August 19, 2015 inspection, the depth of the bottom of the North Lagoon near the southern edge was 2.5 feet. There were approximately five to six inches of liquid before the sludge layer at the bottom of the lagoon.

**ANSWER:** Respondent has insufficient knowledge to admit or deny the allegations in paragraph 24 and, therefore, denies those allegations.

25. At the time of the August 19, 2015 inspection, the high sludge volume and steady freeboard level in the North Lagoon indicated that the lagoon continued to be permeable.

**ANSWER:** Respondent denies the allegations of paragraph 25.

26. Section 12(a) of the Act, 415 ILCS 5/12(a) (2014), provides the following prohibition:

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.

**ANSWER:** Section 12(a) of the Act speaks for itself. Respondent denies any remaining allegations in paragraph 26.

27. Section 3.165 of the Act, 415 ILCS 5/3.165 (2014), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

**ANSWER:** Section 3.165 of the Act speaks for itself. Respondent denies any remaining allegations in paragraph 27.

28. Section 3.315 of the Act, 415 ILCS 5/3.315 (2014), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

**ANSWER:** Section 3.315 of the Act speaks for itself. Respondent denies any remaining allegations in paragraph 28.

29. Section 3.545 of the Act, 415 ILCS 5/3.545 (2014), provides 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 waters 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.

**ANSWER:** Section 3.545 of the Act speaks for itself. Respondent denies any remaining allegations in paragraph 29.

30. Section 3.550 of the Act, 415 ILCS 5/3.550 (2014), provides 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.

**ANSWER:** Section 3.550 of the Act speaks for itself. Respondent denies any remaining allegations in paragraph 30.

31. Cranbrook Farms, LLC is a “person” as defined by the Act, 415 ILCS 5/3.315 (2014).

**ANSWER:** Paragraph 31 contains a legal conclusion that requires no response from Respondent. Respondent denies any remaining factual allegations in paragraph 31.

32. The livestock waste stored and discharged by Respondent Cranbrook at the South Farm is a “contaminant” as defined by the Act, 415 ILCS 5/3.165 (2014).

**ANSWER:** Paragraph 32 contains a legal conclusion that requires no response from Respondent. Respondent denies any remaining factual allegations in paragraph 32.

33. The groundwater and surface waters into which South Farm's livestock waste is being discharged or threatens to discharge is "waters" of the State as defined by the Act, 415 ILCS 5/3.550 (2014).

**ANSWER:** Paragraph 33 contains a legal conclusion that requires no response from Respondent. Respondent denies any remaining factual allegations in paragraph 33.

34. The discharge of livestock waste into groundwater and surface waters at Respondent Cranbrook's facility is "water pollution" as defined by the Act, 415 ILCS 5/3.545 (2014).

**ANSWER:** Paragraph 34 contains a legal conclusion that requires no response from Respondent. Respondent denies any remaining factual allegations in paragraph 34.

35. On January 21, 2010, the Illinois EPA sent Respondent Cranbrook a Non-Compliance Advisory letter, citing livestock waste handling violations and including several recommendations for the management of its facility, in particular with respect to the lagoons and livestock waste system.

**ANSWER:** Respondent admits the allegations of paragraph 35.

36. On July 2, 2012, the Illinois EPA issued a Violation Notice to Respondent Cranbrook for failing to maintain impermeable lagoons. Cranbrook responded with a proposed compliance commitment agreement, which the Illinois EPA rejected by letter on October 4, 2012.

**ANSWER:** Respondent admits the allegations in paragraph 36.

37. On January 9, 2013, the Illinois EPA sent Respondent Cranbrook a letter providing its notice of intent to pursue legal action (“NIPLA”). Respondent Cranbrook requested a meeting pursuant to the NIPLA letter, which took place on February 25, 2013.

**ANSWER:** Respondent admits the allegations in paragraph 37.

38. Respondent Cranbrook has caused, allowed, or threatened the discharge of contaminants into the waters of the State so as to cause or tend to cause water pollution in Illinois through the South Farm’s livestock waste storage lagoons, which have discharged or threatened to discharge livestock waste into the area groundwater and to surface waters, via the low wooded area.

**ANSWER:** Paragraph 38 contains legal conclusions that require no response from Respondent. Respondent denies any remaining factual allegations in paragraph 38.

39. By causing, allowing, or threatening the discharge of contaminants into the waters of the State so as to cause or tend to cause water pollution in Illinois through South Farm livestock waste storage lagoons, which have discharged or threatened to discharge livestock waste into the area groundwater and to surface waters, Respondent Cranbrook has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2014).

**ANSWER:** Paragraph 39 contains legal conclusions that require no response from Respondent. Respondent denies any remaining factual allegations in paragraph 39.

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, CRANBROOK FARMS, LLC:

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

- B. Finding that Respondent Cranbrook has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2014);
- C. Ordering Respondent Cranbrook to cease and desist from any further violations of the Act that are the subject of this Complaint;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014), imposing upon Respondent Cranbrook for violating a provision of this Act a civil penalty of fifty thousand dollars (\$50,000), and an additional penalty of ten thousand dollars (\$10,000) for each day during which the violation continues;
- E. Awarding Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

**ANSWER:** Respondent denies that Complainant is entitled to the relief sought in paragraphs A – F.

WHEREFORE, Respondent, CRANBROOK FARMS, LLC, prays that Complainant take nothing by Count I of the Complaint for Injunctive and Other Relief, that the Illinois Pollution Control Board enter judgment in favor of CRANBROOK FARMS, LLC as to Count I of the Complaint for Injunctive and Other Relief, and that the Illinois Pollution Control Board award CRANBROOK FARMS, LLC all other appropriate relief.

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

1-37. Complainant adopts and incorporates by reference herein paragraphs 1 through 37 of Count I as paragraphs 1 through 37 of this Count II.

**ANSWER:** Respondent hereby incorporates by reference its responses to paragraphs 1 through 37 of Count I as and for its responses to paragraphs 1 through 37 of Count II.

38. Section 12(d) of the Act, 415 ILCS 5/12(d) (2014), provides:

No person shall:

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

**ANSWER:** Section 12(d) of the Act speaks for itself. Respondent denies any remaining allegations in paragraph 38.

39. Respondent Cranbrook has deposited livestock waste upon the land in a place and manner such that the waste is allowed to reach the area groundwater and, via the low wooded area, surface waters.

**ANSWER:** Respondent denies the allegations in paragraph 39.

40. By depositing livestock waste upon the land in a place and manner so as to create a water pollution hazard, Respondent Cranbrook has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2014).

**ANSWER:** Paragraph 40 contains a legal conclusion that requires no response from Respondent. Respondent denies any remaining factual allegations in paragraph 40.

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, CRANBROOK FARMS, LLC:

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

B. Finding that Respondent Cranbrook has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2014);

C. Ordering Respondent Cranbrook to cease and desist from any further violations of the Act that are subject of this Complaint;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014), imposing upon Respondent Cranbrook for violating a provision of this Act a civil penalty of fifty thousand dollars (\$50,000), and an additional penalty of ten thousand dollars (\$10,000) for each day during which the violation continues;

E. Awarding to Complainant its costs and reasonable attorney's fees; and

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

**ANSWER:** Respondent denies that Complainant is entitled to the relief sought in paragraphs A – F.

WHEREFORE, Respondent, CRANBROOK FARMS, LLC, prays that Complainant take nothing by Count II of the Complaint for Injunctive and Other Relief, that the Illinois Pollution Control Board enter judgment in favor of CRANBROOK FARMS, LLC as to Count II of the Complaint for Injunctive and Other Relief, and that the Illinois Pollution Control Board award CRANBROOK FARMS, LLC all other appropriate relief.

**COUNT III**  
**HANDLING AND STORAGE OF LIVESTOCK WASTE**

1-37. Complainant adopts and incorporates by reference herein paragraphs 1 through 37 of Count I as paragraphs 1 through 37 of this Count III.

**ANSWER:** Respondent hereby incorporates by reference its responses to paragraphs 1 through 37 of Count I as and for its responses to paragraphs 1 through 37 of Count III.

38. Section 501.404(c)(2) of the Board regulations, Subpart C, Operational Rules for All Livestock Management Facilities and Livestock Waste-Handling Facilities, 35 Ill. Adm. Code 501.404(c)(2), provides:

Holding ponds and lagoons shall be impermeable or so sealed as to prevent groundwater or surface water pollution.

**ANSWER:** Section 501.404(c)(2) of the Board regulations speaks for itself.

Respondent denies any remaining allegations in paragraph 38.

39. Respondent Cranbrook has failed to make impermeable or seal its livestock waste storage lagoons in order to prevent groundwater pollution and surface water pollution.

**ANSWER:** Respondent denies the allegations in paragraph 39. Respondent affirmatively states that the lagoons were constructed, utilized, and filled prior to its ownership and operation of the South Farm.

40. By failing to make impermeable or seal its livestock waste storage lagoons in order to prevent pollution of the area groundwater and surface waters, Respondent Cranbrook has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2014), and Section 501.404(c)(2) of the Board regulations, 35 Ill. Adm. Code 501.404(c)(2).

**ANSWER:** Paragraph 40 contains legal conclusions that require no response from Respondent. Respondent denies any remaining factual allegations in paragraph 40.

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, CRANBROOK FARMS, LLC:

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

B. Finding that Respondent Cranbrook has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2014), and Section 501.404(c)(2) of the Board regulations, 35 Ill. Adm. Code 501.404(c)(2);

C. Ordering Respondent Cranbrook to cease and desist from any further violations of the Act or Board regulations that are the subject of this Complaint;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014), imposing upon Respondent Cranbrook for violating a provision of this Act a civil penalty of fifty thousand dollars (\$50,000), and an additional penalty of ten thousand dollars (\$10,000) for each day during which the violation continues;

E. Awarding to Complainant its costs and reasonable attorney's fees; and

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

**ANSWER:** Respondent denies that Complainant is entitled to the relief sought in paragraphs A – F.

WHEREFORE, Respondent, CRANBROOK FARMS, LLC, prays that Complainant take nothing by Count III of the Complaint for Injunctive and Other Relief, that the Illinois Pollution Control Board enter judgment in favor of CRANBROOK FARMS, LLC as to Count III of the Complaint for Injunctive and Other Relief, and that the Illinois Pollution Control Board award CRANBROOK FARMS, LLC all other appropriate relief.

**AFFIRMATIVE DEFENSES**

Respondent CRANBROOK FARMS, LLC hereby gives notice that it intends to rely upon any affirmative defenses that are or become available or apparent during the course of investigation and/or discovery, and hereby reserves the right to amend its Answer to assert any such defenses.

WHEREFORE, Respondent CRANBROOK FARMS, LLC prays that Complainant take nothing by the Complaint for Injunctive and Other Relief, that the Illinois Pollution Control Board enter judgment in favor of CRANBROOK FARMS, LLC, and that the Illinois Pollution Control Board award CRANBROOK FARMS, LLC all other appropriate relief.

Respectfully submitted,

CRANBROOK FARMS, LLC, Respondent,

DATE: May 5, 2017

By: /s/ Jennifer M. Martin  
Jennifer M. Martin

Jennifer M. Martin  
Melissa S. Brown  
HEPLERBROOM, LLC  
4340 Acer Grove Drive  
Springfield, Illinois 62711  
217-528-3674  
jennifer.martin@heplerbroom.com  
melissa.brown@heplerbroom.com