

ILLINOIS POLLUTION CONTROL BOARD
August 6, 2023

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 23-123
) (Enforcement - Water)
TENNIS DAIRY FARMS LLP, an Illinois)
limited liability partnership,)
)
Respondent.)

ORDER OF THE BOARD (by M. Gibson):

On June 7, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Tennis Dairy Farms, LLP (Tennis Dairy). The complaint concerns Tennis Dairy’s animal feeding operation located at 3907 North 1400 Boulevard in Browns, Wabash County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2022)), 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 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Tennis Dairy violated the following sections of the Act and Board regulations:

Count I: Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), by causing, threatening, or allowing the discharge of manure-laden wastewater into a tributary of Bonpas Creek and causing or tending to cause water pollution.

Count II: Section 12(d) of the Act, 415 ILCS 5/12(d) (2022), by causing or allowing the release of contaminants upon the land in such a place and manner so as to create a water pollution hazard.

Count III: Section 302.203 and 304.105 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 302.203, 304.105, by causing or allowing the discharge of manure-laden wastewater resulting in sludge or bottom deposits, odor, and color or turbidity of other than natural origin in the tributary.

On July 28, 2023, the People and Tennis Dairy 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) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), which requires that the public have an opportunity to request a

hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Tennis Dairy does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$7,200.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2022); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

Board Member M.D. Mankowski abstained.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 3, 2023, by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk
Illinois Pollution Control Board