

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 *Newton Hometown Register*, *Clay County Hometown Register*, *Carmi Hometown Register*, *Mt. Carmel Hometown Register*, and *Olney Hometown Register* on August 11, 2023. 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) (2022); 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. *See* 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 Tennis Dairy'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) (2022)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Tennis Dairy does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2022)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Tennis Dairy agrees to pay a civil penalty of \$7,200 within 30 days after the date of this order. The People and Tennis Dairy have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

On August 21, 2023, Tennis Dairy filed a motion for extension of time answer the complaint. However, because the Board accepted the stipulation and proposed settlement, the motion is moot.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Tennis Dairy must pay a civil penalty of \$7,200 no later than October 10, 2023, which is the first business day following the 30th day after the date of this order. Tennis Dairy 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 name and case number must appear on the certified check or money order.
3. Tennis Dairy 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

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

Kevin D. Barnai
 Assistant Attorney General
 Environmental Bureau
 Illinois Attorney General’s Office
 500 South Second Street
 Springfield, Illinois 62706

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2022)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2022)).
5. Tennis Dairy 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.

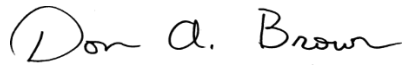
Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2022); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 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
Illinois Attorney General’s Office Attn: Kevin D. Barnai Assistant Attorney General Environmental Bureau 500 South Second Street Springfield, Illinois 62706 Kevin.Barnai@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren St., Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov
Jackson Kelly, PLLC	

Attn: Lucero Tennis Kieffer P.O. Box 1507 Evansville, IN 47706 lucero.kieffer@jacksonkelly.com	
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Tennis Dairy Farms, LLP Attn: Louis Michael Tennis 3907 N. 1400 Boulevard Browns, IL 62818-0000	
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I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 7, 2023, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board