

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Plaintiff)	
)	
v.)	PCB No.
)	
COUNTY LINE SWINE, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

NOTICE OF FILING

To: See Attached Service List (Via Electronic Filing)

PLEASE TAKE NOTICE that the undersigned filed today with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following COMPLAINT along with STIPULATION AND PROPOSAL FOR SETTLEMENT, and MOTION FOR RELIEF FROM HEARING REQUIREMENTS, copies of which are attached hereto and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. KWAME RAOUL, Attorney General
of the State of Illinois

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

BY: /s/ Kevin D. Barnai
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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of the State of Illinois,)	
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Complainant,)	
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COUNTY LINE SWINE, INC.,)	
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Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of the Respondent, COUNTY LINE SWINE, INC., an Illinois corporation, as follows:

COUNT I
FAILURE TO OBTAIN NPDES PERMIT COVERAGE

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2024), against Respondent, COUNTY LINE SWINE, INC. (“County Line Swine” or “Respondent”).

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 (2024), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2024), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2024), after providing Respondent County Line Swine with notice and opportunity for a meeting with Illinois EPA.

5. At all times relevant to this Complaint, County Line Swine has been an Illinois corporation registered in good standing with the Illinois Secretary of State.

6. At all times relevant to this Complaint, County Line Swine was and is the owner and operator of a facility located at 1704 North 2700th Avenue, Loraine, Illinois (“Facility”). The Facility is a wean-to-finish swine operation with a capacity of approximately 5,000 head of swine weighing fifty-five (55) pounds or more and a cow-calf beef cattle operation with a capacity of approximately 30 cow-calf pairs.

7. On August 15, 2022, an Illinois EPA inspector received a call from the owner of County Line Swine, Ragan Peter, regarding a construction project to be undertaken at the Site.

8. During the phone call on August 15, 2022, Mr. Peter advised the Illinois EPA inspector that he was cleaning more than two acres of ditches to construct a pond south of the Facility’s confinement building that would be used to provide drinking water for the swine.

9. During the phone call on August 15, 2022, the Illinois EPA inspector advised Mr. Peter that this work would require coverage under the NPDES General Storm Water Permit for Construction Site Activities (“NPDES General Permit”) prior to the construction of a pond because the amount of land to be disturbed exceeded one acre.

10. On August 18, 2022, Illinois EPA received a citizen complaint that County Line Swine was conducting a construction project.

11. On August 24, 2022, Illinois EPA inspectors inspected the Facility. At the time of the inspection, a contractor for County Line Swine was cleaning ditches to construct a new pond onsite, with excavated topsoil left out to dry. The area disturbed by the construction exceeded one acre.

12. The discharge path from the excavation area flowed toward a drained pond previously used by County Line Swine. On August 24, 2022, Illinois EPA inspectors observed the liquid in the former pond was three feet below the pond's discharge structure. The discharge structure drains to an unnamed tributary of Thurman Creek ("Unnamed Tributary"), then to Thurman Creek, then to the South Fork of Bear Creek, which is tributary to the Mississippi River.

13. On September 7, 2022, Illinois EPA received a Notice of Intent for coverage under the NPDES General Permit for County Line Swine's construction work at the Facility. On October 7, 2022, Illinois EPA issued coverage under the NPDES General Permit to County Line Swine.

14. Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), provides as follows:

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,....

15. Section 3.315 of the Act, 415 ILCS 5/3.315 (2024), 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.

16. Respondent, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2024).

17. Section 3.165 of the Act, 415 ILCS 5/3.165 (2024), provides the following definition:

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

18. The disturbed soil at the Facility was a “contaminant,” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2024).

19. Section 3.550 of the Act, 415 ILCS 5/3.550 (2024), 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.

20. The Unnamed Tributary is a “water” as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2024).

21. Section 309.102 of the Board’s Water Pollution Regulations, 35 Ill. Adm Code 309.102, provides as follows:

a) Unless it complies with the Act, Board regulations, 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 is unlawful.

22. The United States Environmental Protection Agency (“USEPA”) has authorized the State of Illinois to issue NPDES permits through Illinois EPA in compliance with federal

regulations, including stormwater discharges regulated by 40 C.F.R. § 122.26, which requires a person to obtain an NPDES permit for construction activities disturbing over one acre.

23. Section 122.26 of the Code of Federal Regulations, 40 C.F.R. § 122.26, provides, in pertinent part, as follows:

(a) Permit Requirement.

(9) (i) On and after October 1, 1994, for discharges composed entirely of storm water, that are not required by paragraph (a)(1) of this section to obtain a permit, operators shall be required to obtain a NPDES permit only if:

(B) The discharge is a storm water discharge associated with small construction activity pursuant to paragraph (b)(15) of this section;

(b) Definitions.

(15) Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. The Director may waive the otherwise applicable requirements in a general permit for a storm water discharge from construction activities that disturb less than five acres where:

24. By disturbing over one acre of soil, Respondent caused, threatened, or allowed the discharge of contaminants into the waters of the State without an NPDES Permit, in violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2024).

25. On or before August 24, 2022, Respondent disturbed over one acre of soil which caused, threatened, or allowed the discharge of contaminants into the waters of the State without an NPDES Permit, and thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2024).

26. By disturbing over one acre of soil, Respondent discharged a contaminant into the waters of the State without NPDES permit coverage, in violation of Section 309.102 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102.

27. On or before August 24, 2022, Respondent disturbed over one acre of soil which discharged contaminants into the waters of the State without an NPDES Permit, and thereby violated Section 309.102 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102.

28. By violating Section 309.102 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102, Respondent thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, COUNTY LINE SWINE, INC., an Illinois corporation, on this Count I, as follows:

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 Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), and Section 309.102 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102;

C. Ordering Respondent to cease and desist from further violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), and Section 309.102 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102;

D. Assessing against Respondent, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), and Section 309.102 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102 ;

E. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

COUNT II
WATER POLLUTION

1-20. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 20 of Count I as paragraphs 1 through 20 of this Count II.

21. Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), provides 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.

22. Section 3.545 of the Act, 415 ILCS 5/3.545 (2024), 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.

23. The discharge of soil into the Unnamed Tributary would cause or tend to cause the alteration of the physical and chemical properties of the water so as to create a nuisance and 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, and therefore is “water pollution” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2024).

24. On or before August 24, 2022, Respondent caused, threatened, or allowed the discharge of soil into the Unnamed Tributary, causing or tending to cause water pollution, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, COUNTY LINE SWINE, INC., an Illinois corporation, on this Count II, as follows:

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 Section 12(a) of the Act, 415 ILCS 5/12(a) (2024);

C. Ordering Respondent to cease and desist from further violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024);

D. Assessing against Respondent, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section

12(a) of the Act, 415 ILCS 12(a) (2024), and an additional Ten Thousand Dollars (\$10,0000.00) for each day that each of the violations continued;

E. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

F. Ordering such other and further relief as the Board deems appropriate and just.

COUNT III
WATER POLLUTION HAZARD

1-24. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 20 of Count I, and paragraphs 21 through 24 of Count II, as paragraphs 1 through 24 of this Count III.

25. Section 12(d) of the Act, 415 ILCS 5/12(d) (2024), provides 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.

26. On or before August 26, 2022, Respondent caused or allowed the deposition of soil on land so as to create a water pollution hazard.

27. 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, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, COUNTY LINE SWINE, INC., an Illinois corporation, on this Count III, as follows:

- 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 Section 12(d) of the Act, 415 ILCS 5/12(d) (2024);
- C. Ordering Respondent to cease and desist from further violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2024);
- D. Assessing against Respondent, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(d) of the Act, 415 ILCS 12(a) (2024), and an additional Ten Thousand Dollars (\$10,000.00) for each day that each of the violations continued;
- E. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and
- F. Ordering such other and further relief as the Board deems appropriate and just.

Respectfully Submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois,

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

By: /s/ Rachel R. Medina
RACHEL R. MEDINA, #6297171
Bureau Chief
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Complainant,)	
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STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and County Line Swine, Inc., (“County Line Swine” or “Respondent”), (collectively “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. (2024), and the Board’s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. Concurrently with the filing of this Stipulation, a Complaint was filed on behalf of the People of the State of Illinois by Kwame Raoul, 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 (2024), 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 (2024).

3. At all times relevant to the Complaint, Respondent was and is an Illinois corporation that is authorized to transact business in the State of Illinois.

4. At all times relevant to the Complaint, Respondent owned and operated a wean-to-finish swine facility located at 1704 North 2700th Avenue, Loraine, Adams County, Illinois ("Facility").

5. On August 24, 2022, Illinois EPA inspectors inspected the Facility. At the time of the inspection, a contractor for County Line Swine was cleaning ditches to construct a new pond onsite, with excavated topsoil left out to dry. The area disturbed by the construction exceeded one acre.

6. The discharge path from the excavation area flowed toward a drained pond previously used by County Line Swine. On August 24, 2022, Illinois EPA inspectors observed the liquid in the former pond was three feet below the pond's discharge structure. The discharge structure drains to an unnamed tributary of Thurman Creek ("Unnamed Tributary"), then to Thurman Creek, then to the South Fork of Bear Creek, which is tributary to the Mississippi River.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: Failure to Obtain NPDES Permit Coverage
415 ILCS 5/12(f) (2024); 35 Ill. Adm. Code 309.102

Count II: Water Pollution
415 ILCS 5/12(a) (2024)

Count III: Water Pollution Hazard
415 ILCS 5/12(d) (2024)

C. Non-Admission of Violations

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

D. Compliance Activities to Date

On September 7, 2022, Illinois EPA received a Notice of Intent for coverage under the General NPDES Permit for Storm Water Discharges from Construction Site Activities (“General NPDES Permit”), and Stormwater Pollution Prevention Plan, for County Line Swine’s construction work at the Facility. On October 7, 2022, Illinois EPA issued coverage under the General NPDES Permit to County Line Swine. Construction activities were terminated by June 30, 2023.

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 (2024).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2024), 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. The Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations thereby threatening human health and the environment.
2. There is social and economic benefit to the facility when it is operated in compliance with the Act and Board regulations.
3. Operation of the facility was and is suitable for the area in which it is located, so long as it is operated in compliance with the Act and Board regulations.
4. Obtaining a permit prior to construction at the Facility and compliance with its terms is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board regulations that are the subject of the Complaint.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2024), 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;
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; and
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 Respondent failed to obtain coverage under the General NPDES Permit for construction site activities prior to beginning construction activities at the Facility. The violations began on or around August 18, 2022, and were resolved in the following year.
2. Respondent was diligent in returning to compliance with the Act, Board regulations

and applicable federal regulations, once the Illinois EPA notified it of its noncompliance.

3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Five Thousand Dollars (\$5,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. Respondent is currently the Defendant in Adams County Case No. 22-CH-2, *People of the State of Illinois v. County Line Swine, Inc; Carroll Family Farms Partnership*, which alleges odor violations resulting from the Facility.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. **Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Five Thousand Dollars (\$5,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. **Interest and Default**

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount

owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

1. 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
2520 W. Iles Ave.
P.O. Box 19276
Springfield, IL 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Kevin Barnai
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, IL 62701

D. Future Compliance

1. 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.

2. 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.

3. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Respondent's payment of the Five Thousand Dollar (\$5,000.00) penalty, its commitment to cease and desist as contained in Section V.D.3 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 herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed concurrently 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. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for penalty payments, shall be submitted as follows:

As to the Complainant

Kevin Barnai
Assistant Attorney General
Environmental Bureau
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Springfield, IL 62701

Emma Hudspath
Assistant Counsel, Division of Legal Counsel
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As to the Respondent

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Melissa.Brown@heplerbroom.com

G. Opportunity For Public Comment

Pursuant to 35 Ill. Adm. Code 103.300(b)(2), the Board shall publish notice of this Stipulation for at least 30 days prior to the Board accepting the Stipulation. If public comments are submitted to the Board regarding this Stipulation, the Complainant reserves the right to

withdraw its consent if the comments regarding the Stipulation disclose facts or considerations which indicate that the Stipulation is inappropriate, improper, or inadequate. Respondent consents to the entry of this Stipulation without further notice and agrees not to withdraw from or oppose acceptance of this Stipulation or to challenge any provision of the Stipulation, unless the Complainant has notified Respondent in writing that it withdraws or withholds its consent for the Stipulation. In the event the Complainant notifies the Respondent that it withdraws or withholds its consent for the Stipulation, then the terms of the agreement may not be used as evidence in any litigation between those entities.

H. Enforcement 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.

I. 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.

[SIGNATURE PAGE TO FOLLOW]

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

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

KWAME RAOUL
Attorney General
State of Illinois

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

JAMES JENNINGS, Director
Illinois Environmental Protection Agency

BY: *Rachel R. Medina*
RACHEL R. MEDINA, Chief
Environmental Bureau
Assistant Attorney General

BY: *Andrew Armstrong*
ANDREW ARMSTRONG
Chief Legal Counsel

DATE: *04/23/2026*

DATE: *04/20/2026*

RESPONDENT
COUNTY LINE SWINE, INC.

Ragan Peter

DATE: _____

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

KWAME RAOUL
Attorney General
State of Illinois

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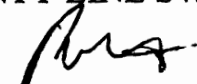
BY: _____
RACHEL R. MEDINA, Chief
Environmental Bureau
Assistant Attorney General

BY: _____
ANDREW ARMSTRONG
Chief Legal Counsel

DATE: _____

DATE: _____

RESPONDENT
COUNTY LINE SWINE, INC.



Ragan Peter

DATE: 4-8-26

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by KWAME RAOUL, Attorney)
General of the State of Illinois,)
)
Plaintiff)
)
v.) PCB No. 2026-
)
COUNTY LINE SWINE, INC.,)
an Illinois corporation,)
)
Respondent.)

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2024), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2024). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Sections 12 (a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2024), and Section 309.102 of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 309.102.
2. Complainant is filing the Complaint with the Board simultaneously with this Motion and a Stipulation and Proposal for Settlement.
3. The parties have reached agreement on all outstanding issues in this matter.
4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2024).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. KWAME RAOUL, Attorney General
of the State of Illinois

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

BY: /s/ Kevin D. Barnai
Kevin D. Barnai (ARDC #6329422)
Assistant Attorney General
Environmental Bureau

DATED: April 28, 2026

Kevin D. Barnai (ARDC #6329422)
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706
(217) 782-9035
Kevin.Barnai@ilag.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 28, 2026, before 5:00 PM, she caused to be served by electronic mail, a true and correct copy of the following instruments entitled Notice Of Filing, Complaint, Stipulation And Proposal For Settlement, And Motion for Relief from Hearing Requirements to:

Melissa Brown
Hepler Broom LLC
4340 Acer Grove Ste A
Springfield, IL 62711
Melissa.Brown@heplerbroom.com

/s/ Michael Lehman
Environmental Bureau

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/ Michael Lehman
Environmental Bureau