## ILLINOIS POLLUTION CONTROL BOARD February 15, 2007

PEOPLE OF THE STATE OF ILLINOIS,	)
Complainant,	) )
V.	)
RANDY EDMUND d/b/a EDMUND FARMS,	)
Respondent.	)
	)

PCB 07-73 (Enforcement - Water)

## ORDER OF THE BOARD (by G.T. Girard):

On February 1, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Randy Edmund d/b/a Edmund Farms (Edmund). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Edmund's swine farrow to finish facility located approximately one mile northeast of Cambridge, at 11104 Illinois Highway 82, Cambridge Township, in rural Henry County. The People allege that Edmund violated Sections 12(a), (d) and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (d), (f) (2004)) and 35 Ill. Adm. Code 302.203, 302.212(a), 309.102(a), 501.403(a), 501.404(c)(4)(A), and 501.405(a).

According to the People's complaint, Edmund violated the Act and Board regulations as follows: (1) by causing or allowing the discharge of contaminants in such a manner as to cause or threaten water pollution; (2) by causing or allowing a discharge of contaminants to exist on the land so as to create a water pollution hazard; (3) by failing to have adequate diversion dikes, walls, or curbs; (4) by failing to have structures in place to direct runoff; (5) by failing to have adequate storage capacity; (6) by causing, allowing, or threatening the discharge of any contaminant into the waters of the State without a National Pollution Discharge Elimination System (NPDES); (7) by causing or allowing the discharge of livestock waste to an unnamed tributary of Spring Creek in rural Henry County, so as to cause the stream to be dark-colored, turbid, and odorous, smelling of swine manure, with numerous dead minnows; (8) by causing or allowing the discharge of livestock waste into a feeder creek running through the facility and to an unnamed tributary of Spring Creek, which resulted in levels of ammonia ranging from 20 to 3900 mg/l; and (9) by applying livestock waste to steeply sloped saturated fields that resulted in a runoff of waste to waters of the State.

On February 1, 2007, the People and Edmund 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Edmund neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$7,500.

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) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

## IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 15, 2007, by a vote of 4-0.

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Dorothy M. Gunn, Clerk Illinois Pollution Control Board