ILLINOIS POLLUTION CONTROL BOARD November 15, 2012

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 11-68
)	(Enforcem
TRADITION INVESTMENTS, LLC, an)	
Illinois limited liability corporation,)	
)	
Respondent.)	

PCB 11-68 (Enforcement - Water)

ORDER OF THE BOARD (by D. Glosser):

On April 20, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Tradition Investments, LLC (Tradition). The complaint concerns Traditions' proposed dairy operations facilities at 12504 East Canyon Road., Stockton, JoDaviess County and 12521 East Mahoney, Warren, JoDaviess 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 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Tradition violated Sections 12(a), (d), and (f) of the Act, 415 ILCS 5/21(a), (d), (f) (2010), and Sections 302.203 and 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, 304.106, 309.102(a), by causing or tending to cause water pollution in Illinois by 1) causing or allowing the discharge of silage leachate into waters of the State without National Pollutant Discharge Elimination System (NPDES) permit coverage, and in a manner to create or likely create a nuisance; 2) causing or allowing silage leachate to remain pooled on the land in a manner that allowed it to continually discharge from the land application field and allowed it to exist as a water pollution hazard on the land; 3) applying leachate wastewater in a manner to land that contained a field tile so as to allow a discharge and cause unnaturally pink/purple coloration in waters in a tributary of the South Fork of the Apple River; and 4) causing or allowing a point source discharge exhibiting a very obvious pink/purple color that resulted in the entire receiving body of water exhibiting the same color.

On, November 7, 2012, the People and Tradition 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, Tradition neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$1,000.00.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

Board Member J. O'Leary abstains.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 15, 2012 by a vote of 4-0.

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John T. Therriault, Assistant Clerk Illinois Pollution Control Board