

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by LISA MADIGAN, Attorney General	)	
of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No.
	)	(Enforcement-Water)
J. B. TIMMERMAN FARMS, LTD,	)	
an Illinois Corporation	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirement, a copy of which is attached and hereby served upon you. **You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.**

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office, or an attorney.

NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

NOTIFICATION – Pursuant to 35 Ill. Adm. Code 103.306, or 35 Ill. Adm. Code 103.300(b)(2) if the Board's Procedural Rules are amended in R17-18, where a National

Pollutant Discharge Elimination System (NPDES) permit is involved in the settlement, the Board will publish notice of the proposed stipulation and settlement at least 30 days prior to accepting this settlement. This settlement involves an NPDES permit and therefore a notice shall be published.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN, Attorney General of the  
State of Illinois

By: s/Rachel Medina  
RACHEL MEDINA  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, IL 62701  
(217) 782-9031

Date: June 9, 2017

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

Service List

For the Respondent

J.B. Timmerman Farms, Ltd.  
c/o David Timmerman  
11601 South Germantown Road  
Breese, IL 62230  
JBTFarmsLTD@att.net

**CERTIFICATE OF SERVICE**

I, Rachel Medina, an Assistant Attorney General, certify that on the 9th day of June 2017, I caused to be served by Certified U.S. Mail with Return Receipt the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirement to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at Springfield, Illinois.

s/Rachel Medina  
Rachel Medina  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, IL 62701  
(217) 782-9031

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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Complainant,	)	
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an Illinois corporation,	)	
	)	
Respondent.	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, J.B. TIMMERMANN FARMS, LTD., as follows:

**COUNT I**  
**WATER POLLUTION**

1. This Count is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2014).

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 (2014), 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 (2014), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. This Count is brought after providing Respondent, J.B. Timmerman Farms, Ltd., with notice and the opportunity for a meeting with the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2014).

5. J.B. Timmermann Farms, Ltd. (“Timmermann Farms” or “Respondent”) is an Illinois corporation in good standing. Timmermann Farms owns and operates a dairy operation (“Site”), located at 11601 South Germantown Road, Breese, Clinton County, Illinois. David Timmermann is the corporate president of Timmermann Farms.

6. The surface receiving water for the Site is an unnamed tributary of Grassy Branch. A ditch (“the ditch”) that runs east-west along the southern boundary of the Site is hydraulically connected and serves as a conduit to the unnamed tributary of Grassy Branch. Grassy Branch is tributary to Sugar Creek. Sugar Creek is tributary to the Kaskaskia River.

7. On September 10, 2014, the Illinois EPA inspected the Site. At the time of the September 10, 2014 inspection, the Site housed 660 milking dairy cows, 100 dry dairy cows and 400 calves.

8. At the time of the inspection, Respondent had a National Pollutant Discharge Elimination System (“NPDES”) permit issued by the Illinois EPA for the Site, Permit No. ILA010007, regulating discharges from the Site as a Concentrated Animal Feeding Operation. The permit expired on September 30, 2014.

9. In the northwest area of the Site, north of a 14 million gallon holding pond, there is a heifer barn, two feed bunkers and a hay barn. In the north-central area of the Site, there are multiple buildings, including a commodity shed, several grain bins, a machine shed, and a calf barn. A residence and shop/office are located at the northeast corner of the Site. The 14 million gallon holding pond receives runoff from the feed bunkers, and is located at the southwest corner

of the Site. In the center of the Site there are multiple barns, including a barn for dry dairy cows and pre-fresh cows, a second heifer barn, and a large freestall barn; the heifer barn is south of the barn for dry dairy cows and pre-fresh cows, and the large freestall barn is south of the heifer barn. At the east side of the Site, there are three freestall barns (the "North," "South," and "East" freestall barns), a milking parlor, a holding pen, a concrete feedlot loafing pen, and a solids separator pad area. There is a small concrete lot located at the center of the three freestall barns, east of the "South" freestall barn, south of the milking parlor and holding pen, and west of the "East" freestall barn.

10. Runoff from the feed bunker area and silage pit drains into PVC piping which discharges into the Site's 14 million gallon holding pond. The holding pen has a 150,000 gallon underground storage tank/pit. The "East" freestall barn has a 350,000 gallon underground pit. The heifer barn has a 350,000 gallon underground storage pit. Manure and liquid waste is washed into the underground storage pits, and then is pumped to a liquid/solids separator. Solids from the separator are staged on the solids separator pad area until they are used as bedding. Liquids from the separator flow to a 500,000 gallon reception pond located south of the "South" freestall barn. The liquids are then pumped from the reception pond to the 14 million gallon holding pond.

11. The Site generates approximately 8 million gallons of liquid waste and 200 tons of solid waste annually.

12. At the time of the September 10, 2014 inspection, the Site did not have a freeboard marker or staff gauge for either the 14 million gallon holding pond or the reception pond.

13. At the time of the September 10, 2014 inspection, an underfloor culvert outlet was discharging a significant amount of discolored livestock waste runoff to the ditch. The culvert inlet receives livestock waste runoff from the small lot located at the center of the three freestall barns and south of the milking parlor and holding pen, the concrete feedlot loafing pen south of the "East" freestall barn, and the solids separator pad area.

14. At the time of the September 10, 2014 inspection, the roofs of the three freestall barns adjacent to the small feedlot lacked guttering.

15. On September 10, 2014, the Illinois EPA collected a sample of liquid ("Sample JBT-01") from the underfloor culvert, at the outlet where effluent discharges to the ditch.

16. Sample JBT-01 was dark in color and had a prominent odor of livestock waste.

17. A laboratory analysis by the Illinois EPA yielded the following results of Sample JBT-01:

<u>Parameter</u>	<u>Concentration</u>	<u>Units</u>
pH	7.4	----
Total Suspended Solids	1440	mg/l
Phosphorus	14.3	mg/l
Total Ammonia - N	1.25	mg/l
Nitrate & Nitrite	0.208	mg/l
Biochemical Oxygen Demand	160	mg/l

18. Section 12(a) of the Act, 415 ILCS 5/12(a) (2014), provides the following prohibition:

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.



19. Section 3.165 of the Act, 415 ILCS 5/3.165 (2014), provides the following definition:

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

20. Section 3.315 of the Act, 415 ILCS 5/3.315 (2014), 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.

21. Section 3.545 of the Act, 415 ILCS 5/3.545 (2014), 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.

22. Section 3.550 of the Act, 415 ILCS 5/3.550 (2014), 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.

23. Livestock waste is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2014).

24. Livestock waste runoff from the Site’s uncontrolled areas, including the small concrete lot, concrete feedlot loafing pen, and solids separator pad area, is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2014).

25. Respondent, J.B. Timmermann Farms., Ltd., is a “person” as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2014).

26. The ditch, referenced in paragraph 6, is a “water” of the State as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2014).

27. Grassy Branch is a “water” of the State as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2014).

28. Discharges of livestock waste runoff into the ditch constitute “water pollution” as that term is defined by Section 3.545 of the Act, 415 ILCS 5/3.545 (2014).

29. Respondent failed to contain livestock waste runoff from the Site’s small concrete lot, concrete feedlot loafing pen, and solids separator pad area, causing or allowing the livestock waste runoff to discharge from the underfloor culvert outlet to the ditch.

30. By causing or allowing livestock waste runoff to discharge from the underfloor culvert outlet to the ditch, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2014).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, J.B. TIMMERMANN FARMS, LTD.:

A. Scheduling 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) (2014);

C. Ordering Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2014);

D. Imposing upon Respondent for violating a provision of the Act a civil penalty of fifty thousand dollars (\$50,000), and an additional penalty of ten thousand dollars (\$10,000) for each day during which the violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014);

E. Awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

**COUNT II**  
**WATER POLLUTION HAZARD**

1-29. Complainant adopts and incorporates by reference herein paragraphs 1 through 29 of Count I as paragraphs 1 through 29 of this Count II.

30. At the time of the September 10, 2014 inspection, the solids separator pad area lacked curbing to contain runoff or to divert runoff to a waste containment system.

31. At the time of the September 10, 2014 inspection, the concrete feedlot loafing pen contained manure solids. The center section of curbing for this feedlot was missing, allowing the manure solids and liquid runoff to flow south across a vacant concrete area and into the ditch.

32. At the time of the September 10, 2014 inspection, uncontrolled manure solids were located outside of the gated vehicle access point for the concrete feedlot loafing pen.

33. Section 12(d) of the Act, 415 ILCS 5/12(d) (2014), provides:

No person shall:

\* \* \*

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

34. By failing to curb or otherwise contain manure solids in the solids separator pad area, concrete feedlot loafing pen, and outside of the gated vehicle access point, which are in

close proximity to the ditch, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2014).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, J.B. TIMMERMANN FARMS, LTD.:

A. Scheduling 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) (2014);

C. Ordering Respondent to cease and desist from any further violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2014);

D. Imposing upon Respondent for violating a provision of the Act a civil penalty of fifty thousand dollars (\$50,000), and an additional penalty of ten thousand dollars (\$10,000) for each day during which the violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014);

E. Awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

**COUNT III**  
**NPDES PERMIT VIOLATIONS**

1-29. Complainant adopts and incorporates by reference herein paragraphs 1 through 29 of Count I as paragraphs 1 through 29 of this Count III.

30. On April 13, 2011, Illinois EPA issued to the Respondent coverage under NPDES General Permit No. 1LA010007 for the Site. The NPDES Permit expired on September 30, 2014.

31. Section 12(f) of the Act, 415 ILCS 5/12(f) (2014), provides, in pertinent part:

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, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

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32. Section 309.102(a) of the Board regulations, 35 Ill. Adm. Code 309.102(a), provides:

- (a) Except as in compliance with the provisions of the Act, Board regulations, and 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 shall be unlawful.

33. Special Condition 3(a) of Respondent's NPDES Permit (No. ILA010007), provides:

During the period beginning with the date of the authorization letter and lasting through the expiration date, the permittee is prohibited from discharging livestock wastes (including feedlot runoff) to waters of the State except overflow from livestock waste handling facilities that is caused by 25-year, 24-hour precipitation events, except as prohibited in 3(j) below.

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34. Special Condition 4(e)(xi) of Respondent's NPDES Permit (No. ILA010007) provides:

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The Nutrient Management Plan shall include, but is not limited to:

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- (xi) records to be kept under this permit to document implementation and management of the Nutrient

Management Plan including records specified by this permit.

35. At the time of the September 10, 2014 inspection, Respondent failed to have records which documented implementation and management of the Nutrient Management Plan.

36. Special Condition 7(a) of Respondent's NPDES permit provides:

The permittee shall submit annual reports by March 15<sup>th</sup> of each year providing the following information for the previous calendar year

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37. At the time of the September 10, 2014 inspection, Respondent had not submitted annual reports for the years 2011, 2012, and 2013.

38. Special Condition 7(c) of Respondent's NPDES permit provides:

Livestock waste handling facilities that are required to contain the precipitation and/or runoff from the 25-year, 24-hour precipitation event, shall be equipped with an easily visible freeboard marker (i.e., staff gauge or equivalent) that shows the freeboard level necessary to contain the precipitation and/or runoff from the 25-year, 24-hour precipitation event.

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39. Special Condition 3(c) of Respondent's NPDES permit requires Respondent's livestock waste handling facilities to be designed to contain the precipitation and runoff from a 25-year, 24-hour precipitation event.

40. At the time of the September 10, 2014 inspection, Respondent did not have a freeboard marker or staff gauge installed in either the holding pond or the reception pit.

41. Special Condition 7(e) of Respondent's NPDES permit provides:

The permittee shall inspect all livestock management facilities and livestock waste handling facilities weekly to verify structural integrity and proper operation and identify any maintenance needed to prevent noncompliance with this permit.

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The permittee will prepare and retain records of each inspection and corrective action, and if a deficiency is not corrected within 30 days, the reasons for the delay of the corrective action.

42. At the time of the September 10, 2014 inspection, Respondent did not have or could not produce records of weekly inspections of all livestock management facilities and livestock waste handling facilities.

43. Special Condition 7(f) of Respondent's NPDES permit provides:

When a livestock waste handling facility (e.g., holding pond, lagoon, or storage pit) is dewatered, the quantity removed shall be measured and recorded.

44. At the time of the September 10, 2014 inspection, Respondent did not have or could not produce any records of dewatering of the livestock waste handling facilities.

45. Special Condition 7(g) of Respondent's NPDES permit provides:

For each day during which livestock wastes are applied to land, the permittee will record the following information:

- i. The amount applied to each field in either gallons, wet tons or dry tons per acre;
- ii. Soil water conditions at the time of application (e.g., dry, saturated, flooded, frozen, snow covered).
- iii. An estimate of the amount of precipitation 24 hours prior to, and for 24 hours after the application.
- iv. The type of application method used (e.g., surface, surface with incorporation, injection).
- v. The location of the field where livestock waste was applied.
- vi. The results of leak inspection of livestock waste application equipment.
- vii. The name and address of off-site recipients of livestock waste, the amount of waste transferred to each off-site recipient in gallons or dry tons, and location on a topographic map and acreage of each off-site recipient site that receives livestock waste.

46. Special Condition 7(h) of Respondent's NPDES permit provides:

The permittee shall conduct annual analyses of representative samples of the livestock waste to be land applied.

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The laboratory analysis sheets reporting the analysis of the livestock waste samples shall be kept on file at the facility for the term of this permit and for 5 years after expiration of the permit.

47. At the time of the September 10, 2014 inspection, Respondent did not have or could not produce any land application records of livestock waste generated by the Site or laboratory analyses of livestock waste generated by the Site.

48. Special Condition 7(j) of Respondent's NPDES permit provides:

The permittee shall conduct weekly inspections of stormwater diversions, roof guttering, downspouts, channels, and other facilities that separate livestock waste from uncontaminated stormwater.

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The permittee will prepare and retain records of each inspection and corrective action, and if a deficiency is not corrected within 30 days, the reasons for the delay of the corrective action.

49. At the time of the September 10, 2014 inspection, Respondent did not have or could not produce any weekly inspection records required by Special Condition 7(j) of its NPDES Permit No. ILA010007.

50. Special Condition 7(k) of the Respondent's NPDES permit provides:

The permittee shall conduct daily inspections and maintain or repair water supply lines in the livestock management facilities, livestock waste handling facilities, raw materials storage area, egg wash facilities, egg processing facilities, areas where products, by-products or raw materials are set aside for disposal, and dead livestock management facilities. The permittee shall correct any deficiencies of the subject facilities as soon as possible to maintain compliance with this permit. The permittee will prepare and retain records of each inspection and corrective action, and if a deficiency is not corrected within 30 days, the reasons for the delay of the corrective action.



51. At the time of the September 10, 2014 inspection, Respondent did not have or could not produce any daily inspections records for the water supply lines in the livestock management and livestock waste handling facilities.

52. Special Condition 15 of the Respondent's NPDES permit provides:

The permittee shall submit an application for renewal of the permit 180 days before expiration of this permit to continue coverage under this permit or to receive another NPDES permit.

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53. At the time of the September 10, 2014 inspection, Respondent had not submitted an application for renewal of the NPDES permit for the Site. Such renewal was due to be submitted 180 days prior to the September 30, 2014 expiration of the general permit.

54. Respondent caused or allowed the discharge of contaminants in the form of livestock wastes into waters of the State.

55. The subject 2014 releases from the Site are point source discharges pursuant to the provisions of the NPDES regulations.

56. The ditch located at the southern boundary of the Site that runs east-west along the southern boundary of the Site is hydraulically connected and serves as a conduit to the unnamed tributary of Grassy Branch. Grassy Branch is tributary to Sugar Creek. Sugar Creek is tributary to the Kaskaskia River. The Kaskaskia River is a tributary of the Mississippi River. The subject releases from the Site are discharges to waters of the United States.

57. By causing or allowing the discharge of contaminants in the form of livestock waste runoff into waters of the State and to waters of the United States, Respondent violated Special Condition 3(a) of NPDES Permit No. ILA010007 issued to Respondent; Section 12(f) of the Act, 415 ILCS 5/12(f); and Section 309.102(a) of the Board regulations, 35 Ill. Adm. Code 309.102(a).

58. Respondent failed to fulfill the monitoring, recordkeeping, and reporting requirements contained in Respondent's NPDES permit.

59. By failing to fulfill the monitoring, recordkeeping, and reporting requirements contained in Respondent's NPDES permit, Respondent violated Special Conditions 4(e)(xi), 7(a), 7(c), 7(e), 7(f), 7(g), 7(h), 7(j), and, 7(k) of NPDES Permit No. ILA010007 issued to Respondent; Section 12(f) of the Act, 415 ILCS 5/12(f) (2014); and Section 309.102(a) of the Board regulations, 35 Ill. Adm. Code 309.102.

60. Respondent failed to fulfill the duty to maintain permit coverage contained in its NPDES permit.

61. By failing to fulfill the duty to maintain permit coverage contained in Respondent's NPDES permit, Respondent violated Special Condition 15 of NPDES Permit No. ILA010007 issued to Respondent; Section 12(f) of the Act, 415 ILCS 5/12(f) (2014); and Section 309.102(a) of the Board regulations, 35 Ill. Adm. Code 309.102.

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, J.B. TIMMERMANN FARMS, LTD.:

A. Scheduling 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) (2014); Section 309.102(a) of the Board regulations, 35 Ill. Adm. Code 309.102(a); and Special Conditions 3(a), 4(e)(xi), 7(a), 7(c), 7(e), 7(f), 7(g), 7(h), 7(j), 7(k), and 15 of Respondent's NPDES Permit No. ILA010007;

C. Ordering Respondent to cease and desist from any further violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2014); Section 309.102(a) of the Board regulations, 35 Ill. Adm. Code 309.102(a); and Special Conditions 3(a), 4(e)(xi), 7(a), 7(c), 7(e), 7(f), 7(g), 7(h), 7(j), 7(k), and 15 of Respondent's NPDES Permit No. ILA010007;

D. Imposing upon Respondent a civil penalty of not to exceed \$10,000 per day of violation, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2014);

E. Awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

**COUNT IV**  
**OFFENSIVE CONDITIONS**

1-29. Complainant adopts and incorporates by reference herein paragraphs 1 through 29 of Count I as paragraphs 1 through 29 of this Count IV.

30. At the time of the September 10, 2014 inspection, water in the ditch at the point of discharge from the underfloor culvert outlet was brown in color and had a distinct livestock waste odor.

31. Section 302.203 of the Board regulations, 35 Ill. Adm. Code 302.203, provides, in pertinent part:

Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin.

\* \* \*

32. Respondent caused or allowed livestock waste runoff to be discharged from the Site's small concrete feedlot, concrete feedlot loafing pen, and solids separator pad area to the ditch.

33. By causing or allowing discharges of livestock waste runoff from the Site's small concrete feedlot, concrete feedlot loafing pen, and solids separator pad area, such that the liquid in the ditch was brown in color and had a distinct livestock waste odor, Respondent violated Section 302.203 of the Board regulations, 35 Ill. Adm. Code 302.203, and, thereby, Section 12(a) of the Act, 415 ILCS 5/12(a) (2014).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, J.B. TIMMERMANN FARMS, LTD.:

A. Scheduling a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Section 302.203 of the Board regulations, 35 Ill. Adm. Code 302.203, and, thereby, Section 12(a) of the Act, 415 ILCS 5/12(a) (2014);

C. Ordering Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2014), and Section 302.203 of the Board's regulations, 35 Ill. Adm. Code 302.203;

D. Imposing upon Respondent for violating a provision of the Act and a Board regulation a civil penalty of fifty thousand dollars (\$50,000), and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014);

E. Awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

**COUNT V**  
**LIVESTOCK MANAGEMENT FACILITIES STORAGE CAPACITY**

1-34. Complainant adopts and incorporates by reference herein paragraphs 1 through 29 of Count I and paragraphs 30 through 34 of Count II, as paragraphs 1 through 34 of this Count V.

35. Section 501.403(a) of the Board regulations, 35 Ill. Adm. Code 501.403(a), provides:

Existing livestock management facilities and livestock waste-handling facilities shall have adequate diversion dikes, walls or curbs that will prevent excessive outside surface waters from flowing through the animal feeding operation and will direct runoff to an appropriate disposal, holding or storage area. The diversions are required on all aforementioned structures unless there is negligible outside surface water which can flow through the facility or the runoff is tributary to an acceptable disposal area or a livestock waste-handling facility. If inadequate diversions cause or threaten to cause a violation of the Act or applicable regulations, the Agency may require corrective measures.

36. Section 501.404(c)(4)(A) of the Board regulations, 35 Ill. Adm. Code 501.404(c)(4)(A), provides, in pertinent part:

(4) Liquid Livestock Waste

(A) Existing livestock management facilities that handle the waste in a liquid form shall have adequate storage capacity in a liquid manure-holding tank, lagoon, holding pond, or any combination thereof so as not to cause air or water pollution as defined in the Act or applicable regulations.

\* \* \*

37. Respondent failed to ensure that the Site had adequate dikes, walls or curbs that would prevent surface waters from flowing through animal feedlots, thereby threatening to cause water pollution.

38. By failing to ensure that the Site had adequate dikes, walls or curbs that would prevent surface waters from flowing through animal feedlots, thereby threatening to cause water

pollution, Respondent violated Section 501.403(a) of the Board regulations, 35 Ill. Adm. Code 501.403(a), and Section 12(a) of the Act, 415 ILCS 5/12(a) (2014).

39. Respondent failed to ensure that the Site had adequate storage capacity for livestock waste to prevent a discharge of livestock waste from the underfloor culvert to the ditch.

40. By failing to ensure that the Site had adequate storage capacity for livestock waste so that a discharge did not occur, Respondent violated Section 501.404(c)(4)(A) of the Board regulations, 35 Ill. Adm. Code 501.404(c)(4)(A), and Section 12(a) of the Act, 415 ILCS 5/12(a) (2014).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, J.B. TIMMERMANN FARMS, LTD.:

A. Scheduling a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Sections 501.403(a) and 501.404(c)(4)(A) of the Board regulations, 35 Ill. Adm. Code 501.403(a) and 501.404(c)(4)(A), and Section 12(a) of the Act, 415 ILCS 5/12(a) (2014);

C. Ordering Respondent to cease and desist from any further violations of Sections 501.403(a) and 501.404(c)(4)(A) of the Board regulations, 35 Ill. Adm. Code 501.403(a) and 501.404(c)(4)(A), and Section 12(a) of the Act, 415 ILCS 5/12(a) (2014);


D. Imposing upon Respondent for violating a provision of the Act and a Board regulation a civil penalty of fifty thousand dollars (\$50,000), and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014);

- E. Awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
by LISA MADIGAN, Attorney General  
of the State of Illinois

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

By:   
ANDREW B. ARMSTRONG, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel  
Rachel R. Medina  
Assistant Attorney General  
ARDC# 6297171  
Environmental Bureau  
Illinois Attorney General  
500 South Second Street  
Springfield, Illinois 62701  
(217) 524-7506  
rmedina@atg.state.il.us  
ebs@atg.state.il.us

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No.
	)	(Enforcement – Water)
J.B. TIMMERMANN FARMS, LTD.,	)	
an Illinois corporation,	)	
	)	
Respondent.	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and J.B. TIMMERMANN FARMS, LTD., an Illinois corporation (“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. (2014), 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. A Complaint was filed, contemporaneously with this Stipulation, on behalf of the People of the State of Illinois by Lisa Madigan, 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 (2014), 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 (2014).

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. Respondent owns and operates a dairy operation located at 11601 South Germantown Road, Breese, Clinton County, Illinois ("Facility" or "Site").

5. On September 10, 2014, the Illinois EPA inspected the Site. At the time of the inspection, the Site housed 660 milking dairy cows, 100 dry dairy cows and 400 calves.

6. At the time of the inspection, the Respondent had a National Pollutant Discharge Elimination System ("NPDES") permit issued by the Illinois EPA for the Site, Permit No. ILA010007, regulating discharges from the Site as a Concentrated Animal Feeding Operation.

7. In the northwest area of the Site, north of a 14 million gallon waste holding pond, there is a heifer barn, two feed bunkers and a hay barn. In the north-central area of the Site, there are multiple buildings, including a commodity shed, several grain bins, a machine shed, and a calf barn. A residence and shop/office are located at the northeast corner of the Site. The 14 million gallon holding pond receives runoff from the feed bunkers, and is located at the southwest corner of the Site. In the center of the Site there are multiple barns, including a barn for dry dairy cows and pre-fresh cows, a second heifer barn, and a large freestall barn; the heifer barn is south of the barn for dry dairy cows and pre-fresh cows, and the large freestall barn is south of the heifer barn. At the east side of the Site, there are three freestall barns (the "North," "South," and "East" freestall barns), a milking parlor, a holding pen, a concrete feedlot loafing pen, and a solids separate pad area. There is a small concrete lot located at the center of the three

freestall barns, east of the "South" freestall barn, south of the milking parlor and holding pen, and west of the "East" freestall barn, which is used for vehicle traffic.

**B. Allegations of Non-Compliance**

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

- Count I:**     **Water Pollution**  
Section 12(a) of the Act, 415 ILCS 5/12(a) (2014)
  
- Count II:**    **Water Pollution Hazard**  
Section 12(d) of the Act, 415 ILCS 5/12(d) (2014)
  
- Count III:**   **NPDES Permit Violations**  
Section 12(f) of the Act, 415 ILCS 5/12(f) (2014); Section 309.102(a) of the Board regulations, 35 Ill. Adm. Code 309.102; Special Conditions 4(e)(xi), 7(a), 7(c), 7(e)-(h), 7(j), 7(k), and 15 of NPDES Permit No. ILA010007
  
- Count IV:**    **Offensive Conditions**  
Section 12(a) of the Act, 415 ILCS 5/12(a) (2014); Section 302.203 of the Board regulations, 35 Ill. Adm. Code 302.203
  
- Count V:**     **Livestock Management Facilities Storage Capacity**  
Section 12(a) of the Act, 415 ILCS 5/12(a) (2014); Sections 501.403(a) and 501.404(c)(4)(A) of the Board regulations, 35 Ill. Adm. Code 501.403(a) and 501.404(c)(4)(A)

**C. Admission of Violations**

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced herein.

**D. Compliance Activities to Date**

In response to the Violation Notice issued by Illinois EPA, Respondent has indicated that:

- On or about November 2014, the Respondent constructed a roof to cover the existing compost/solids separator storage pad.
  
- On or about January 2015, Respondent installed guttering on the livestock

building adjacent to the transfer alley/lot located south of the milking parlor.

- As of February 26, 2015, Respondent installed staff gauges in the holding pond and reception pond, and began keeping records for the following: daily precipitation, weekly inspections of waste handling and clean water diversion facilities, daily inspections of water supply lines, and livestock waste application.

- On or about March 15, 2015, Respondent submitted annual reports, required by its NPDES permit, for 2011, 2012, 2013, and 2014.

- On or about April 14, 2015, Respondent repaired the concrete transfer alley/lot located between the freestall barns to be raised and sloped toward the existing manure pit and installed cement curbing so as to contain and direct all runoff to the waste storage pit.

- By June 8, 2015, Respondent had also repaired the existing curbing for the concrete feedlot loafing pen and freestall barns.

On February 7, 2017, Illinois EPA conducted an inspection of the facility and verified the aforementioned improvements at the facility.

On September 11, 2014, Respondent submitted application forms to renew its NPDES permit coverage, which expired on September 30, 2014. Respondent also updated the facility's Comprehensive Nutrient Management Plan ("CNMP") and submitted an electronic copy to Illinois EPA on June 13, 2015, and mailed a copy to Illinois EPA's Bureau of Water-Permit Section on February 26, 2017.

## **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 (2014).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2014), 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 Complainant states human health and the environment were threatened by Respondent's livestock waste runoff in that such discharges have rendered the waters of the State harmful, detrimental and/or injurious to public health, safety and welfare, and to recreational and other legitimate uses, including the support of wildlife, fish and/or other aquatic life. Illinois EPA's information gathering responsibilities were also hindered by the Respondent's recordkeeping violations of its NPDES permit. Respondent denies that human health and the environment were threatened by Respondent's livestock waste runoff.

2. Respondent's facility is currently operational as a dairy farm with a capacity for 800 dairy cows and 460 dairy calves and heifers (youngstock). Dairy production carries both social and economic value.

3. The Complainant states the Respondent's facility was not suitable for its activity as it was managed. The improperly managed feedlots and solids separator pad failed to contain livestock waste during significant rainfall events. Respondent's facility is now suitable with the implementation of improvements at the facility following the time of the violation.

4. It was technically practicable and economically reasonable for Respondent to have eliminated unpermitted discharges to surface waters that resulted from its livestock operations.

5. Respondent has undertaken measures to address and correct discharges from its facility and improve recordkeeping compliance with its NPDES permit.

#### **IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2014), 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 Illinois EPA observed several violations during its inspection on September 10, 2014. These incidents involved discharges of livestock waste to waters of the state and various recordkeeping violations of its NPDES permit.
2. Respondent was diligent in attempting to come back into compliance with the Act, Board regulations and its NPDES permit, 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 Fifteen Thousand Dollars (\$15,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. On December 3, 2009, the Board accepted a Stipulation and Proposal for Settlement in the matter of People v. J.B. Timmermann, Ltd., PCB 07-70, to resolve violations of the Act and Board regulations ("2009 Stipulation"). Paragraph V.D.5 of the 2009 Stipulation provides that the "Respondent shall cease and desist from future violations of the Act and Board

regulations that were the subject matter of the Complaint.” Sections 12(a), 12(d), and 12(f) of the Act, 415 ILCS 5/12(a), 12(d), and 12(f), and Sections 302.203 and 501.403(a) of the Board regulations, 35 Ill. Adm. Code 302.203 and 501.403(a), were the subject of the Complaint filed in PCB No. 07-70. By violating Sections of the Act and Board regulations that were the subject of the 2009 Stipulation, the Respondent violated the 2009 Stipulation.

6. There was no self-disclosure of the violations involved in this matter.
7. Respondent has not proposed a supplemental environmental project.
8. A Compliance Commitment Agreement was proposed by Respondent, but rejected by the Illinois EPA.

**V. TERMS OF SETTLEMENT**

**A. Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Fifteen Thousand Dollars (\$15,000.00) 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  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 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:

Rachel R. Medina  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 S. Second Street  
Springfield, IL 62706

Roberto Durango  
Assistant Counsel, Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

**D. Future Compliance**

1. The Respondent shall comply with all requirements of Respondent's NPDES Permit No. ILA010007. The Respondent shall comply with all applicable permitting, recordkeeping, reporting and documentation requirements found in the Act, related regulations, and Respondent's NPDES Permit No. ILA010007.

2. The Respondent shall respond within (30) days to any requests made by Illinois



EPA for additional information in order to complete the review of the CNMP Respondent submitted to Illinois EPA on February 26, 2017.

3. 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.

4. 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.

5. 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 \$15,000.00 penalty, its commitment to cease and desist as contained in Section V.D.5 above, and its 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 contemporaneously 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

Rachel R. Medina  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

Roberto Durango  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Joe Stitely  
Bureau of Water, Field Operations Section  
Illinois Environmental Protection Agency  
2309 West Main  
Marion, Illinois 62959

As to the Respondent

David Timmermann, President  
J.B. Timmermann Farms, Ltd.  
11601 Germantown Road  
Breese, Illinois 62230

**G. Enforcement and Modification of Stipulation**

1. 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.

2. The Parties to the Stipulation may, by mutual written consent, agree to extend any compliance dates or modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section V.F. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of the Parties to the Stipulation.

**H. Opportunity For Public Comment**

Pursuant to 35 Ill. Adm. Code 103.306, or 35 Ill. Adm. Code 103.300(b)(2) if the Board's Procedural Rules are amended in R17-18, 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.

**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.

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

LISA MADIGAN  
Attorney General  
State of Illinois

ALEC MESSINA, Director  
Illinois Environmental Protection Agency

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

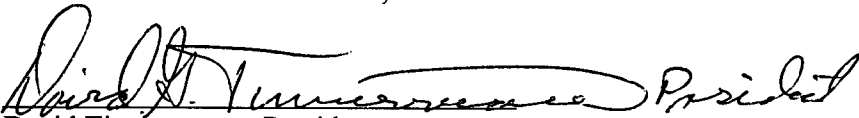
BY:   
JOHN J. KIM  
Chief Legal Counsel

BY:   
ANDREW ARMSTRONG, Chief  
Assistant Attorney General  
Environmental Bureau

DATE: 6/1/17

DATE: 06/05/2017

RESPONDENT  
J.B. TIMMERMANN FARMS, LTD.

  
David Timmermann, President

DATE: 5-19-17



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) (2014).

Respectfully submitted,

People of the State of Illinois, *ex rel.*, LISA  
MADIGAN, 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  
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[ebs@atg.state.il.us](mailto:ebs@atg.state.il.us)