

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)
TODD PARISH,)	
)	
Respondent.)	

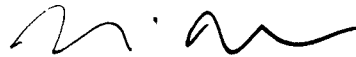
NOTICE OF FILING

TO: See Attached Service List.

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Notice of Filing of Complainant's Complaint, Stipulation and Proposed for Settlement and Motion for Relief from Hearing Requirements, a copy of which is herewith attached and served upon you.

Respectfully submitted,

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



BRIAN M. NAVARRETE
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
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Date: October 25, 2017.

THIS FILING IS SUBMITTED ON RECYCLED PAPER

SERVICE LIST

I certify that a copy of the foregoing Notice of Filing of Complainant's Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements was placed in the United States Mail on October 25, 2017, with postage fully prepaid upon:

Respondent
Todd Parish
3395 Harco Road
Harrisburg, IL 62946



Brian M. Navarrete
Assistant Attorney General

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	PCB No. 17-
v.)	(Enforcement)
)	
TODD PARISH,)	
)	
Respondent.)	

COMPLAINT

The Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, hereby complains of Respondent, TODD PARISH, as follows:

COUNT I
WATER POLLUTION

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), pursuant to the terms and provisions of Section 31 of the Environmental Protection Act ("Act"), 415 ILCS 5/31 (2016).
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 (2016), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").
3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2016), after providing the Respondent with notice and the opportunity for a meeting with the Illinois EPA. The events giving rise to this Complaint took place beginning on or about March 7, 2016. On March 29, 2016, Illinois EPA sent a violation notice ("VN") letter to Respondent.

Respondent responded to the VN by letters dated April 11, 2016 and April 24, 2016. On August 9, 2016, Illinois EPA issued its Notice of Intent to Pursue Legal Action (“NIPLA”) letter to Respondent, and on August 31, 2016, a meeting was held pursuant to the NIPLA.

4. Respondent, Todd Parish, is an individual residing in Illinois. At all times relevant to this Complaint, Respondent leased and operated a confined animal feeding operation known as Sunny B Farms, located in the vicinity of 1630 Lone Oak Road in Harrisburg, Saline County, Illinois (the “Facility”). More specifically, Respondent managed a 3,200-head nursery operation for swine at the Facility, consisting of two confinement buildings and a single-stage lagoon. The swine typically weighed approximately 8 pounds when they arrived at the Facility and approximately 45-50 pounds upon departure from the Facility.

5. The lagoon at the Facility is generally rectangular in shape, and its boundaries are defined by two sets of parallel sides generally oriented north-to-south and east-to-west.

6. Each of the confinement buildings at the Facility includes a flush system. The flush system comprises a water tank, flush gutter and a holding area. The water tank is located in the rafters of the confinement building and is filled with water drawn from the top of the lagoon. The flush gutter is a 6-inch void space under the flooring of the confinement building. Water is periodically released from the tank and flows downward, into and through the flush gutter, in order to flush livestock waste and other materials from beneath the building. The flush water is collected in the shallow holding area at one end of the confinement building until that water is discharged back into the lagoon by gravity flow.

7. The Facility is located west of Bethel Creek, which is a tributary to the Middle Fork of the Saline River. Runoff from the Facility flows generally north and northeast through

one or a series of ditches over wooded land, and then travels east via a roadside ditch on Strawberry Lane for approximately 450 feet before emptying into Bethel Creek.

8. At all times relevant to this Complaint, Respondent was in control of and responsible for the day-to-day operations of the Facility, including the Facility's compliance with environmental and agricultural regulatory requirements.

9. Livestock waste, when mishandled, is harmful to human health and the environment. Livestock waste contains high levels of fecal coliform bacteria, nitrates, ammonia-nitrogen, and other contaminants that are highly detrimental to water quality. Releases of such waste result in changes in water quality, including, but not limited to, increases in biological oxygen demand and decreases in dissolved oxygen.

March 2016 Discharge of Livestock Waste

10. On or about March 7, 2016, or at times better known to Respondent, Respondent caused or allowed a discharge of liquid livestock waste at and from the Facility, resulting in an unknown amount of liquid livestock waste making its way to Bethel Creek. According to Respondent, and as described further in the following paragraphs, this discharge occurred as Respondent was attempting to pump liquid livestock waste out of one of the confinement buildings at the Facility and into the lagoon.

11. Shortly before 2:00 p.m. on March 7, 2016, two Illinois EPA inspectors received a verbal complaint regarding the presence of livestock waste in Bethel Creek. One of the Illinois EPA inspectors proceeded to the Strawberry Lane Bridge over Bethel Creek and observed liquid livestock waste entering the creek from the south roadside ditch along Strawberry Lane. The Illinois EPA inspector then traced the discharge of liquid livestock waste back to its point of

origin at the Facility. In the course of doing so, the Illinois EPA inspector encountered the Respondent.

12. At the Facility on or about March 7, 2016, and at times better known to Respondent, the area west of the single-stage lagoon was saturated with liquid livestock waste. On March 7, 2016, the lagoon itself had about three feet of available freeboard. A black pipe extended into the lagoon and a pool of liquid livestock waste was present, beginning near the discharge end of the pipe located outside of the lagoon. A small trash pump also was present, located directly east of the northern confinement building at the Facility.

13. At the Facility on or about March 7, 2016, and at times better known to Respondent, the liquid livestock waste that was outside of the lagoon flowed down a hillside along the western side of the lagoon and around part of the northern side of the lagoon. North of the lagoon, the liquid livestock waste from the Facility entered a ditch at the southern edge of a wooded area. The liquid in the ditch was dark colored with a distinct odor of livestock waste.

14. On or about March 7, 2016, and at times better known to Respondent, after reaching the ditch at the southern edge of the wooded area, the liquid livestock waste from the Facility continued flowing in a generally northerly direction through a ditch in the wooded area. While still within the wooded area, the direction of flow of the liquid livestock waste changed from a generally northerly flow to a generally north-easterly flow. The liquid livestock waste continued flowing in this general direction through a ditch in the wooded area, until it exited the wooded area and entered a separate, roadside ditch on the south side of Strawberry Lane.

15. On March 7, 2016, an Illinois EPA inspector collected a sample (Sample SLRD) of liquid material from the ditch coming out of the wooded area, before the liquid material was

discharged to the separate, roadside ditch. The sample was dark in color and had a prominent livestock waste odor.

16. On or about March 7, 2016, and at times better known to Respondent, the liquid livestock waste from the Facility flowed eastward in the roadside ditch on the south side of Strawberry Lane for approximately 450 feet, until it discharged into Bethel Creek. Upon entering Bethel Creek on March 7, 2016, the flow of liquid livestock waste from the Facility created a dark, visible plume within the Creek.

17. On March 7, 2016, an Illinois EPA inspector collected a sample (Sample BCDS) of liquid material from the roadside ditch approximately 10 feet prior to the point at which the liquid material discharged to Bethel Creek. The sample was dark in color and had a prominent livestock waste odor. The liquid in the roadside ditch also was dark in color with a distinct livestock waste odor.

18. On March 7, 2016, at the direction of one of the Illinois EPA inspectors, Respondent reported the release of livestock waste from the Facility to the Illinois Emergency Management Agency ("IEMA"). The release was assigned IEMA Hazardous Materials Incident Report #H-2016-0199.

19. On March 7, 2016, under the oversight of an Illinois EPA inspector, the roadside ditch leading to Bethel Creek was dammed to stop the flow of liquid livestock waste into Bethel Creek. Respondent was sent to obtain a small vacuum truck that he owned, to begin vacuuming up the runoff of liquid livestock waste from the Facility as it collected behind the dam. Due to the lateness of the hour, the Illinois EPA inspector departed from the area at that time.

20. On March 8, 2016, and for a few days thereafter, the Illinois EPA inspectors returned to area where the discharge of liquid livestock waste had occurred. On March 8, 2016,

an Illinois EPA inspector collected a water sample (Sample SBUSFD) from Bethel Creek, approximately 1.5 miles downstream from where the liquid livestock waste from the Facility had entered the Creek from the roadside ditch south of Strawberry Lane. An appearance of some diluted manure was present in the water, and the water had a slight odor of livestock waste.

21. During the period beginning on March 8, 2016 and continuing for a few days thereafter, further actions were taken, by Respondent and others, to remediate conditions arising from and relating to the discharge of liquid livestock waste from the Facility. These further actions included: (1) recovering the discharged liquid livestock waste; (2) flushing the discharge site and recovering the flush water together with additional discharged livestock waste; (3) land applying some of the recovered liquid waste materials and placing the remainder back in the lagoon; and (4) disking the saturated soil, re-seeding it and applying lime to the ground in the vicinity of the discharge. Upon completion of these actions, Respondent had remediated the release of liquid livestock waste to the satisfaction of Illinois EPA.

22. Respondent provided statements to Illinois EPA personnel regarding the source of the liquid livestock waste involved in the March 2016 discharge at and from the Facility. Respondent stated that this liquid livestock waste originated from the flush gutter and holding area associated with one of the two confinement buildings at the Facility. Respondent further stated that the discharge line from the holding area to the lagoon became clogged, so that Respondent had to pump out liquid livestock waste that was backing up into the confinement building. According to Respondent, the pumping had to be done with some urgency in order to prevent baby piglets that had recently been placed in the confinement building from drowning. Respondent further stated that he set up a temporary pump to remove liquids from the confinement building, and that the outlet line from the temporary pump was supposed to

discharge the liquids back into the lagoon. However, according to Respondent, the outlet line got misplaced so that liquid livestock waste was discharged on the outside of lagoon, rather than into the lagoon.

23. In a letter to Illinois EPA dated April 24, 2016, Respondent stated that, at some point after the discharge of liquid livestock waste at the Facility on or about March 7, 2016, Respondent's lease for the Facility was terminated and all of the livestock at the Facility were re-located to another site.

Alleged Violations

24. Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), 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.

25. Section 3.165 of the Act, 415 ILCS 5/3.165 (2016), provides the following definition:

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

26. Livestock waste is a "contaminant," as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2016).

27. Section 3.545 of the Act, 415 ILCS 5/3.545 (2016), 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.

28. Section 3.550 of the Act, 415 ILCS 5/3.550 (2016), 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.

29. Bethel Creek is a perennial stream tributary of the Saline River, and is a “water” of the State of Illinois within the meaning of Section 3.550 of the Act, 415 ILCS 5/3.550 (2016), and Board Regulations promulgated thereunder. Bethel Creek is also a “water of the United States” within the meaning of the Clean Water Act, 33 U.S.C. § 1251, and Board Agriculture Related Pollution Regulations, 35 Ill. Adm. Code, Subtitle E.

30. The presence in Bethel Creek of liquid livestock waste from Respondent’s Facility, arising from the March 2017 discharge, constitutes the alteration of the physical and chemical properties of the water which 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 the 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 (2016).

31. By causing or allowing the discharge of liquid livestock waste at or from the Facility into Bethel Creek, Respondent has caused, threatened or allowed the discharge of a contaminant that caused or tended to cause water pollution, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2016).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief against Respondent, TODD PARISH:

- A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
- B. Finding that the Respondent has violated the Act as alleged herein;
- C. Ordering the Respondent to cease and desist from further violations of the Act;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2016), assessing against the Respondent a civil penalty of fifty thousand dollars (\$50,000) for violating a provision of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which the violation has continued;
- 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

1-23. Complainant realleges and incorporates by reference herein Paragraphs 1 through 23 of Count I as Paragraphs 1 through 23 of this Count II.

Alleged Violations

24. Section 12(d) of the Act, 415 ILCS 5/12(d) (2016), 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.

25. Respondent's discharge of liquid livestock waste at or from the Facility, onto land at and near the Facility, through the wooded area north of the Facility, and into the roadside ditch south of Strawberry Lane leading to Bethel Creek, created a water pollution hazard.

26. By discharging liquid livestock waste at or from the Facility 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) (2016).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief against Respondent, TODD PARISH:

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

B. Finding that the Respondent has violated the Act as alleged herein;

C. Ordering the Respondent to cease and desist from further violations of the Act;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2016), assessing against the Respondent a civil penalty of fifty thousand dollars (\$50,000) for violating a provision of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which the violation has continued;

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
DISCHARGING WITHOUT A NPDES PERMIT

1-23. Complainant realleges and incorporates by reference herein Paragraphs 1 through 23 of Count I as Paragraphs 1 through 23 of this Count III.

Alleged Violations

24. Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), 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, 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.

25. Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides, as follows:

NPDES Permit Required

- (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.

26. Section 301.240 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.240, provides the following definition:

“CWA” means the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., Public Law 92-500 enacted by Congress October 18, 1972 as amended by the "Clean Water Act", Public Law 95-217, enacted December 12, 1977, as amended.)

27. Section 1362(14) of the CWA, 33 U.S.C. § 1362(14), provides the following definition:

- (14) The term “point source” means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling

stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

28. Section 502.101 of the Board Agriculture Related Pollution Regulations, 35 Ill.

Adm. Code 502.101, provides as follows:

- (a) A Concentrated Animal Feeding Operation (CAFO) is a point source. Any discharge of pollutants into waters of the United States from a CAFO is prohibited unless authorized by an NPDES permit or unless the discharge is an agricultural stormwater discharge as described in Section 502.102(b). No person shall cause or allow a discharge from a CAFO in violation of federal or State law, including but not limited to the Clean Water Act (CWA) (33 USC 1251), the Act or Board regulations.
- (b) The owner or operator of a CAFO must seek coverage under an NPDES permit if the CAFO discharges.
- (c) The owner or operator of a CAFO that discharges must either apply for an individual NPDES permit or submit a notice of intent for coverage under an NPDES general permit. If the Agency has not made a general permit available to the CAFO, the CAFO owner or operator must submit an application for an individual permit to the Agency. All permit applications and applications for permit modifications must contain the information set forth in Subpart B.
- (d) Any permitted CAFO shall apply for reissuance of the NPDES permit not less than 180 days prior to the expiration date of the permit unless the CAFO will not discharge after the expiration date of the NPDES permit.
- (e) The owner or operator of a new CAFO that will discharge must apply for NPDES permit coverage at least 180 days prior to the time that the CAFO commences operation.
- (f) Once an Animal Feeding Operation is defined as a CAFO for at least one type of animal, the NPDES permit requirements for CAFOs apply with respect to all animals in confinement at the animal feeding operation and all livestock waste generated by those animals or the production of those animals.

29. Section 502.104 of the Board Agriculture Related Pollution Regulations, 35 Ill.

Adm. Code 502.104, provides, in pertinent part, as follows:

- (a) An Animal Feeding Operation is defined as a Medium CAFO if the following numbers of animals specified in any of the following categories are stabled or confined and the provisions of subsection (b), (c) or (d) of this Section is met:

<u>Number of Animals</u>	<u>Kind of Animals</u>
*	* *
3,000 to 9,999	Swine, each weighing less than 55 pounds
*	* *

- (b) Pollutants are discharged into waters of the United States through a man-made ditch, flushing system or other similar man-made device;
- (c) Pollutants are discharged directly into waters of the United States that originate outside of and pass over, across, through or otherwise come into direct contact with the animals confined in the operation;
or
- (d) The Animal Feeding Operation is designated as a CAFO by the Agency pursuant to Section 502.106.

30. Section 502.106 of the Board Agriculture Related Pollution Regulations, 35 Ill.

Adm. Code 502.106, provides, in pertinent part, as follows:

Case-By-Case Designation Requiring NPDES Permits

- (a) Notwithstanding any other provision of this Part, the Agency may require any Animal Feeding Operation not falling within Section 502.103 or 502.104 to obtain an NPDES permit by designating the Animal Feeding Operation as a CAFO upon determining that it is a significant contributor of pollutants to waters of the United States. In making the determination of whether the Animal Feeding Operation is a significant contributor of pollutants, the Agency shall consider the following factors:
- (1) The size of the Animal Feeding Operation and the amount of livestock wastes reaching waters of the United States;
 - (2) The location of the Animal Feeding Operation relative to waters of the United States;

- (3) The means of conveyance of livestock wastes into waters of the United States;
 - (4) The slope, vegetation, rainfall and other factors relative to the likelihood or frequency of discharge of livestock waste into waters of the United States; and
 - (5) Other such factors bearing on the significance of the pollution problem sought to be regulated.
- (b) The Agency, however, may not require a permit under subsection (a) for any Animal Feeding Operation with less than the number of animals set forth in Section 502.104, unless it meets either of the following conditions:
- (1) Pollutants are discharged into waters of the United States through a man-made ditch, flushing system or other similar man-made device; or
 - (2) Pollutants are discharged directly into waters of the United States that originate outside of and pass over, across, through or otherwise come into direct contact with the animals confined in the operation.
- (c) In no case may a permit application be required from an Animal Feeding Operation designated pursuant to this Section until there has been an onsite inspection of the operation and a determination that the operation should and could be regulated under the permit program.

31. Section 501.355 of the Board Agriculture Related Pollution Regulations, 35 Ill.

Adm. Code 501.355, provides the following definition:

Pollutant

Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water, as defined in CWA.

The definition of "pollutant" in 35 Ill. Adm. Code 501.355 thus incorporates the definition of "pollutant" in the CWA.

32. The term "pollutant" is broadly defined in the CWA and includes animal waste and related material. As such, the liquid livestock waste that was discharged at or from the

Facility is a “pollutant,” as that term is defined in the CWA and in Section 501.355 of the Board Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 501.355.

33. At all times relevant to the Complaint, the Facility was a “Medium CAFO,” as that term is defined in Section 502.104 of the Board Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 502.104.

34. At all times relevant to the Complaint, the Facility was a “point source,” as that term is defined in Section 1362(14) of the CWA, 33 U.S.C. § 1362(14) (2016), and in Section 502.101(a) of the Board Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 502.101(a).

35. At all times relevant to the Complaint, the Facility was prohibited by Section 502.101 of the Board Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 502.101, from discharging pollutants into waters of the United States without first obtaining an NPDES permit.

36. The March 2016 discharge of liquid livestock waste from the Facility into Bethel Creek was a discharge of pollutants into the waters of the United States.

37. As of the date of filing of this Complaint, Respondent had not applied for, and was not covered by, a NPDES permit for the Facility.

38. By causing or allowing the discharge of liquid livestock waste, a contaminant and a pollutant, from the Facility and into Bethel Creek without an NPDES permit, Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Section 502.101 of the Board Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 502.101.

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief against Respondent, TODD PARISH:

- A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
- B. Finding that the Respondent has violated the Act as alleged herein;
- C. Ordering the Respondent to cease and desist from further violations of the Act;
- D. Pursuant to Section 42(b) of the Act, 415 ILCS 5/42(b) (2016), assessing against the Respondent a civil penalty of ten thousand dollars (\$10,000) for violating Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and an additional penalty of ten thousand dollars (\$10,000) for each day during which the violation has continued;
- 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 AND OFFENSIVE DISCHARGE

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

Alleged Violations

30. Section 302.203 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, provides:

Offensive Conditions

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. The allowed mixing provisions of Section 302.102 shall not be used to comply with the provisions of this Section.

31. Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code

304.106, provides, in pertinent part, as follows:

Offensive Discharges

In addition to the other requirements of this Part, no effluent shall contain settleable solids, floating debris, visible oil, grease, scum, or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.

32. On or about March 7, 2016, or at a time better known to Respondent, Respondent caused or allowed an unknown amount of liquid livestock waste from the Facility to enter Bethel Creek, which resulted in floating debris and odor, color, and turbidity of other than natural origin in Bethel Creek.

33. By causing or allowing liquid livestock waste to enter Bethel Creek, resulting in floating debris and odor, color, and turbidity of other than natural origin in Bethel Creek, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), and Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203.

34. Respondent's discharge of liquid livestock waste comprised an effluent containing settleable solids and floating debris, and with noticeable color, odor, and turbidity. Such effluent discharge thereby constituted an "offensive discharge," as that term is defined in Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106.

35. By causing or allowing an effluent discharge into Bethel Creek constituting an "offensive discharge," Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), and Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106.

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief against Respondent, TODD PARISH:

- A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
- B. Finding that the Respondent has violated the Act as alleged herein;
- C. Ordering the Respondent to cease and desist from further violations of the Act;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2016), assessing against the Respondent a civil penalty of fifty thousand dollars (\$50,000) for violating a provision of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which the violation has continued;
- 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
CAUSING A VIOLATION OF WATER QUALITY STANDARDS

1-29. Complainant realleges and incorporates by reference herein Paragraphs 1 through 29 of Count I as Paragraphs 1 through 29 of this Count V.

30. Complainant realleges and incorporates by reference herein Paragraph 30 of Count IV as Paragraph 30 of this Count V.

Alleged Violations

31. Section 304.105 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.105, provides as follows:

In addition to the other requirements of this Part, no effluent shall, alone or in combination with other sources, cause a violation of any applicable water quality standard...

32. Section 501.401(e) of the Board Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 501.401(e), provides as follows:

Purpose and Scope of Operational Rules for Livestock Management

Facilities and Livestock Waste-Handling Facilities

* * *

- (e) Any runoff or overflow from a livestock management facility or a livestock waste handling facility shall not cause a water quality violation pursuant to the Act or 35 Ill. Adm. Code Subtitle C: Water Pollution.

33. On or about March 7, 2016, or at a time better known to Respondent, Respondent discharged an unknown amount of liquid livestock waste from the Facility into Bethel Creek. This discharge comprised an effluent containing settleable solids and floating debris with noticeable color, odor, and turbidity, and resulted in floating debris and odor, color, and turbidity of other than natural origin in Bethel Creek.

34. By causing or allowing liquid livestock waste to enter Bethel Creek, resulting in floating debris and odor, color, and turbidity of other than natural origin, Respondent caused or allowed offensive conditions in Bethel Creek, in violation of the water quality standard at Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203.

35. By discharging liquid livestock waste from the Facility into Bethel Creek so as to cause a violation of 35 Ill. Adm. Code 302.203, a water quality standard, Respondent thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), Section 304.105 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 501.401(e) of the Board Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 501.401(e).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief against Respondent, TODD PARISH:

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

- B. Finding that the Respondent has violated the Act as alleged herein;
- C. Ordering the Respondent to cease and desist from further violations of the Act;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2016), assessing against the Respondent a civil penalty of fifty thousand dollars (\$50,000) for violating a provision of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which the violation has continued;
- 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

Of Counsel
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By:



ANDREW B. ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General

Dated: October 25, 2017

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	PCB No.
v.)	(Enforcement)
)	
TODD PARISH,)	
an individual,)	
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 TODD PARISH ("Respondent") ("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.* (2016), 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; Discharge of Liquid Livestock Waste

1. Concurrently with this Consent Order, a Complaint was filed 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 (2016), 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 (2016).

3. At all times relevant to the Complaint, Respondent was and is an individual residing in Illinois. At all times relevant to the Complaint, Respondent leased and operated a confined animal feeding operation known as Sunny B Farms, located in the vicinity of 1630 Lone Oak Road in Harrisburg, Saline County, Illinois (the "Facility"). More specifically, Respondent managed a 3,200-head nursery operation for swine at the Facility, consisting of two confinement buildings and a single-stage lagoon. The swine typically weighed approximately 8 pounds when they arrived at the Facility and approximately 45-50 pounds upon departure from the Facility.

4. The Facility is located west of Bethel Creek, which is a tributary to the Middle Fork of the Saline River. Runoff from the Facility flows generally north and northeast through one or a series of ditches over wooded land, and then travels east via a roadside ditch on Strawberry Lane for approximately 450 feet before emptying into Bethel Creek.

5. At all times relevant to this Complaint, Respondent was in control of and responsible for the day-to-day operations of the Facility, including the Facility's compliance with environmental and agricultural regulatory requirements.

6. Livestock waste, when mishandled, is harmful to human health and the environment. Livestock waste contains high levels of fecal coliform bacteria, nitrates, ammonia-nitrogen, and other contaminants that are highly detrimental to water quality. Releases of such

waste result in changes in water quality, including, but not limited to, increases in biological oxygen demand and decreases in dissolved oxygen.

7. On or about March 7, 2016, or at times better known to Respondent, Respondent caused or allowed a discharge of liquid livestock waste at and from the Facility, resulting in an unknown amount of liquid livestock waste making its way to Bethel Creek. According to Respondent, this discharge occurred as Respondent was attempting to pump liquid livestock waste out of one of the confinement buildings at the Facility and into the lagoon.

8. On or about March 7, 2016, and at times better known to Respondent, the liquid livestock waste from the Facility flowed away from the Facility in a generally northerly direction, through a ditch in a wooded area located north of the Facility, and into a separate roadside ditch on the south side of Strawberry Lane. The liquid livestock waste from the Facility then flowed eastward in the roadside ditch until it discharged into Bethel Creek.

9. Upon entering Bethel Creek on March 7, 2016, the flow of liquid livestock waste from the Facility created a dark, visible plume within the Creek.

10. On March 7, 2016, and for a few days thereafter, Illinois EPA inspectors were present in the area where the discharge of liquid livestock waste had occurred. On March 8, 2016, an Illinois EPA inspector collected a water sample from Bethel Creek, approximately 1.5 miles downstream from where the liquid livestock waste from the Facility had entered the Creek from the roadside ditch south of Strawberry Lane. An appearance of some diluted manure was present in the water, and the water had a slight odor of livestock waste.

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) (2016).
- Count II: **Water Pollution Hazard** - Section 12(d) of the Act, 415 ILCS 5/12(d) (2016).
- Count III: **Discharging Without a NPDES Permit** - Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), and Section 502.101 of the Board Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 502.101.
- Count IV: **Offensive Conditions and Offensive Discharge** - Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203, and Section 304.106 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.106.
- Count V: **Causing a Violation of Water Quality Standards** – Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), Section 304.105 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 304.105, and Section 501.401(e) of the Board Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 501.401(e).

C. Admission of Violations

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

D. Compliance Activities to Date

1. On March 7, 2016, at the direction of an Illinois EPA inspector who was present at the scene, Respondent reported the release of livestock waste from the Facility to the Illinois Emergency Management Agency (“IEMA”). The release was assigned IEMA Hazardous Materials Incident Report #H-2016-0199.

2. On March 7, 2016, under the oversight of an Illinois EPA inspector, the roadside ditch leading to Bethel Creek was dammed to stop the flow of liquid livestock waste into Bethel Creek. Respondent was sent to obtain a small vacuum truck that he owned, to begin vacuuming up the runoff of liquid livestock waste from the Facility as it collected behind the dam.

3. During the period beginning on March 8, 2016, and continuing for a few days thereafter, further actions were taken by Respondent and others to remediate conditions arising from and relating to the discharge of liquid livestock waste from the Facility. These further actions included: (1) recovering the discharged liquid livestock waste; (2) flushing the discharge site and recovering the flush water together with additional discharged livestock waste; (3) land applying some of the recovered liquid waste materials and placing the remainder back in the lagoon; and (4) disking the saturated soil, re-seeding it and applying lime to the ground in the vicinity of the discharge. Upon completion of these actions, Respondent had remediated the release of liquid livestock waste to the satisfaction of Illinois EPA.

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 his 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 (2016).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2016), 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. Human health and the environment were threatened by the Respondent's unauthorized discharge of liquid livestock waste at and from the Facility and ultimately into the waters of Bethel Creek.
2. There is social and economic benefit to the Facility.
3. Operation of the Facility was suitable for the area in which it occurred.
4. Proper management and disposal of liquid livestock waste generated at the Facility in compliance with the Act and applicable Board regulations is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h)(2016), 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. Respondent failed to properly manage and dispose of liquid livestock waste generated at the Facility, resulting in an unauthorized discharge of such wastes at and from the Facility and ultimately into the waters of Bethel Creek. The unauthorized discharge caused water pollution and violations of water quality standards in Bethel Creek. Violations of the Act and Board regulations persisted for multiple days.

2. Respondent initially was overwhelmed by the events surrounding the unauthorized discharge at and from the Facility and was uncooperative in Illinois EPA's efforts to ascertain the extent of the release of liquid livestock waste. Once Respondent was fully informed of the events, however, he responded quickly and, with the help of third parties,

remediated the discharge to Illinois EPA's satisfaction.

3. The unauthorized discharge of liquid livestock waste was not attributable to the lack of adequate storage space in the lagoon at the Facility, but instead was due to Respondent's inattentiveness in transferring the waste to the lagoon from one of the confinement buildings at the Facility. Consequently, any economic benefit associated with the discharge was likely negligible, and outweighed by Respondent's costs to clean up the spill.

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. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

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

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

8. Respondent did not receive a Compliance Commitment Agreement for the cited violations.

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

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, IL 62794-9276

The case name and case number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

D. Future Compliance

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

2. Without limiting the generality of the preceding Paragraph V.D.1, in conducting or managing any confined animal feeding operations, Respondent shall maintain compliance with Sections 12(a), 12(d) and 12(f) of the Act, 415 ILCS 5/12(a), 12(d) and 12(f) (2016), the Board Water Pollution Regulations, and the Board Agriculture Related Pollution Regulations.

3. 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.

E. Release from Liability

In consideration of the Respondent's payment of the \$5,000.00 penalty, its commitment to cease and desist as contained in Section V.D.1. 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 Consent Order. 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 (2016), or entity other than the Respondent.

F. 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.

G. Execution of Stipulation

This Stipulation may be executed in one or more counterparts, all of which taken together shall constitute one and the same instrument. 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.

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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

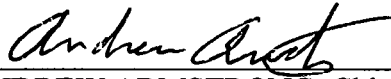
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

ALEC MESSINA, Director
Illinois Environmental Protection Agency

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

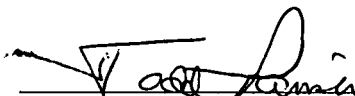
BY: 
JOHN J. KIM
Chief Legal Counsel

BY: 
ANDREW ARMSTRONG, Chief
Assistant Attorney General
Environmental Bureau

DATE: 10/17/17

DATE: 10/18/2017

RESPONDENT TODD PARISH


TODD PARISH

DATE: 9-19-17

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	PCB No. 17-
v.)	(Enforcement)
)	
TODD PARISH,)	
)	
Respondent.)	

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, Complainant states as follows:

1. Simultaneously with the filing of this motion, Complainant is filing the initial Complaint in this matter as well as a Stipulation and Proposal for Settlement executed between Complainant and Respondent, TODD PARISH.

2. Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2016), provides:

(c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a

hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

3. No hearing is scheduled in this matter.

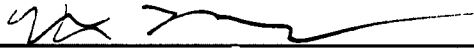
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2016).

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:



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