

ILLINOIS POLLUTION CONTROL BOARD
November 16, 2006

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 07-35
) (Enforcement -Water)
)
BRADSHAW ENTERPRISES, LLC, an)
Illinois limited liability corporation, and)
BRIAN BRADSHAW, individually,)

Respondents.

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

On November 14, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Bradshaw Enterprises, LLC, an Illinois limited liability corporation, and Brian Bradshaw, individually (collectively, Bradshaw respondents). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns a December 2003 hog waste release to an unnamed tributary of Mount Branch, tributary of North Fork of the Embarrass River, resulting in a fish kill. The facility is a 1,000 sow farrow-to-wean hog production facility in the southwest quarter of Section 15, Township9 North, Range 14 West, in Clark County.

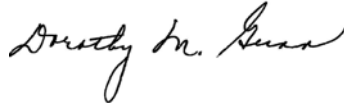
The People allege that the Bradshaw respondents violated Sections 12(a), (d), and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a),(d), and (f)(2004)) and the Board's water regulations at 35 Ill. Adm. Code 302.203, 302.212(a), and 501.405. The People further allege that the Bradshaw respondents violated these provisions by causing or allowing water pollution, creation of a water pollution hazard, violating water quality standards for total ammonia nitrogen and offensive conditions and release of a waste from a point discharge into waters of the State without applying for and obtaining a permit under the National Pollutant Discharge and Elimination System (NPDES). The People ask the Board to order the Bradshaw respondents to cease and desist from further violation and to pay a civil penalty in accordance with statute.

Along with the complaint, on November 14, 2006, the People and the Bradshaw respondents also filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the Bradshaw respondents neither admit nor deny the alleged violations, but agree to pay a civil penalty of \$3,500.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 16, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board