

ILLINOIS POLLUTION CONTROL BOARD

June 21, 2012

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 12-133
)	(Enforcement - Water)
NORTHWESTERN ILLINI FEEDLOTS)	
CORPORATION,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.A. Hollbrook):

On June 8, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a nine-count complaint against Northwestern Illini Feedlots Corporation (Northwestern). The complaint concerns Northwestern’s cattle operation located at 12490 Illinois Route 73, Post Office Box 61, Lanark, Carroll County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Northwestern violated Sections 9(a), 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/9(a), 12(a), 12(d), 12(f) (2010)), and Sections 306.102(a), 501.403(a), 501.404(c)(2), 501.404(c)(4)(A), 501.405(a) and (b) (35 Ill. Adm. Code 306.102(a), 501.403(a), 501.404(c)(2), 501.404(c)(4)(A), 501.405(a), (b)). According to the complaint, Northwestern violated these provisions by 1) failing to conduct land application of livestock waste in a manner that minimizes air pollution to neighboring farms or residences; 2) causing, threatening, and/or allowing water pollution by allowing its livestock waste lagoon berm to fail and discharge waste water into waters of the State; 3) creating a water pollution hazard by dewatering its storage lagoon by pumping water onto a nearby field in such manner as to allow some of the pumped waste water to ultimately run off into Straddle Creek; 4) failing to comply with the Field Application of Livestock Waste provisions and Discharge Limitations of its National Pollutant Discharge Elimination System (NPDES) permit; 5) failing to employ adequate measures to prevent the discharge of livestock waste to waters of the State during adverse weather conditions and flooding; 6) failing to provide adequate curbing or other structures to divert clean storm water from entering its livestock lagoon; 7) failing to ensure that its livestock waste lagoon was impermeable or sealed to prevent surface water pollution; 8) failing to have adequate capacity in its liquid livestock waste storage lagoon to prevent water pollution; and, 9) pumping the contents of its waste lagoon onto a nearby field in such a manner

to allow some of the pumped water to ultimately drain into a ditch that discharges to Straddle Creek and in such a manner that much of the pumped water probably entered Saddle Creek due to saturated soil conditions. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On June 8, 2012, simultaneously with the People's complaint, the People and Northwestern filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the Northwestern does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$6,500.00.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 21, 2012 by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board