

ILLINOIS POLLUTION CONTROL BOARD

April 17, 2025

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 25-54
)	(Enforcement - Water)
MURPHY-BROWN LLC, a Delaware limited)	
liability company, d/b/a SMITHFIELD HOG)	
PRODUCTION,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.A. Van Wie):

On April 1, 2025, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Murphy-Brown LLC d/b/a Smithfield Hog Production (Murphy-Brown). The complaint concerns Murphy-Brown's concentrated animal feeding operation located at 2059 County Road 2400 E. in Mt. Erie, Wayne 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 (2022)), 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 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Murphy-Brown violated:

- Count I: Section 12(a) of the Act (415 ILCS 5/12(a) (2022)) by causing, threatening, or allowing the discharge of a contaminant into the environment so as to cause or tend to cause water pollution in Illinois;
- Count II: Section 12(d) of the Act (415 ILCS 5/12(d) (2022)) by depositing contaminants upon the land in such a place and manner so as to create a water pollution hazard;
- Count III: Section 12(f) of the Act (415 ILCS 5/12(f) (2022)) and Section 502.101(a) of the Board's agriculture related pollution rules (35 Ill. Adm. Code 502.101(a)) by causing, threatening, or allowing the discharge of contaminants from a concentrated animal feeding operation (CAFO) to waters of the State without a valid National Pollutant Discharge Elimination System (NPDES) permit;
- Count IV: Section 12(a) of the Act (415 ILCS 5/12(a) (2022)) and Sections 302.203 and 304.105 of the Board's water pollution rules (35 Ill. Adm. Code 302.203,

304.105) by causing or allowing the discharge of an effluent into a water of the State resulting in unnatural odor, color, and turbidity; and

Count V: Section 12(a) of the Act (415 ILCS 5/12(a) (2022)) and Sections 501.401(e), 501.405(a), and 502.645(b) of the Board's agriculture related pollution rules (35 Ill. Adm. Code 501.401(e), 501.405(a), 502.645(b)) by applying livestock waste so as to exceed the practical limit of the soil and by applying it within 200 feet of surface water.

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 April 1, 2025, simultaneously with the People's complaint, the People and Murphy-Brown 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) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), 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, Murphy-Brown does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$80,000.

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 30 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) (2022); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 17, 2025, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board