

ILLINOIS POLLUTION CONTROL BOARD
June 22, 2017

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 17-79
)	(Enforcement – Water)
J.B. TIMMERMAN FARMS, LTD,)	
an Illinois Corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.M. Keenan):

On June 9, 2017, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against J.B. Timmerman Farms, Ltd. (Timmerman Farms). The complaint concerns Timmerman Farms’ dairy operation located at 11601 South Germantown Road in Breese, Clinton 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 (2016)), 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 (2016); 35 Ill. Adm. Code 103. In this case, the People allege that Timmerman Farms violated the Environmental Protection Act, Board water regulations, and Timmerman Farms’ National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILA010007) in five ways:

- 1) by causing or allowing livestock waste runoff to discharge from the dairy operation, violating Section 12(a) of the Act (415 ILCS 5/12(a) (2016));
- 2) by failing to curb or otherwise contain manure solids in certain areas of the dairy operation, violating Section 12(d) of the Act (415 ILCS 5/12(d) (2016));
- 3) 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, violating Special Condition 3(a) of its NPDES permit, Section 12(f) of the Act (415 ILCS 5/12(f) (2016)), and Section 309.102(a) of the Board regulations (35 Ill. Adm. Code 309.102(a)), by failing to fulfill the monitoring, recordkeeping, and reporting requirements contained in its NPDES permit, violating Special Conditions 4(e)(xi), 7(a), 7(c), 7(e)-(h), 7(j), and 7(k) of its NPDES permit, Section 12(f) of the Act (415 ILCS 5/12(f) (2016)), and Section 309.102(a) of Board regulations (35 Ill Adm. Code 309.102(a)), and by failing to

fulfill the duty to maintain permit coverage contained in its NPDES permit, violating Special Condition 15 of its NPDES permit, Section 12(f) of the Act (415 ILCS 5/12(f) (2016)), and Section 309.102(a) of Board regulations (35 Ill. Adm. Code 309.102(a)).

- 4) by causing or allowing discharges of livestock waste runoff from certain areas at the dairy operation into a nearby ditch, such that the liquid in the ditch was brown in color and had a distinct livestock waste odor, violating Section 302.203 of Board regulations (35 Ill. Adm. Code 302.203) and Section 12(a) of the Act (415 ILCS 5/12(a) (2016)); and
- 5) by failing to ensure that the dairy operation had adequate storage capacity for livestock waste to prevent a discharge of livestock waste into the ditch, violating Section 501.404(c)(4)(a) of Board regulations (35 Ill. Adm. Code 501.404(c)(4)(A)) and Section 12(a) of the Act (415 ILCS 5/12(a) (2016)).


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 9, 2017, simultaneously with the People's complaint, the People and Timmerman farms 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) (2016)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2016)), 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, Timmerman Farms neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$15,000.

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 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) (2016); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Lynn Hedges, Acting Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 22, 2017, by a vote of 5-0.



Lynn Hedges, Acting Clerk
Illinois Pollution Control Board