

Settlement of State Enforcement Action Alleging Fish Kill Resulting From Demolition of Swine Production Facility

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The Illinois Pollution Control Board recently accepted the parties' stipulation and proposed settlement in *People v. Gerald N. Knoblauch, LLC*, Case No. PCB 11-19, which concerns a fishkill resulting from improper demolition of a former swine production facility located along Brick Town Road in the Southeast Quarter of Section 17, T28N in Cazenovia Township, Woodford County, Illinois.

The State alleged that Knoblauch owns the former swine production facility and hired Bender Land Improvement, Inc. to demolish the facility's buildings and convert the facility's old livestock lagoon into a pond. The State also alleged that the defendants violated the Illinois Environmental Protection Act by (1) causing, threatening, or allowing livestock manure to discharge into an unnamed tributary of Richland Creek; (2) causing bottom deposits, odor, color, and turbidity of other than natural origin in the receiving waters of the facility; (3) placing excavated manure solids in piles on the outer edge of the old livestock lagoon without installing structures to contain any runoff from the piles; and (4) creating a water pollution hazard by allowing contaminated stormwater to discharge from the manure stockpiles and enter both an unnamed tributary to Richland Creek and Richland Creek itself without a National Pollutant Discharge Elimination System (NPDES) permit.

Under the terms of the settlement, the defendants admit the alleged violations, agree to pay a civil penalty of \$5,000, and also agree to pay \$20,699.68 to the State of Illinois Wildlife and Fish Fund for recovery of fish killed and investigation expenses.

Stay tuned to the Illinois Environmental Law Blog for more news and developments.