

Count V—Violated Section 501.404(c)(4)(A) of the Board’s regulations (35 Ill. Adm. Code 501.404(c)(4)(A)) and Section 12(a) of the Act by failing to ensure that its holding pond had adequate storage capacity so as not to cause water pollution;

Count VI—Violated Section 501.405(a) of the Board’s regulations (35 Ill. Adm. Code 401.405(a)) and Section 12(a) of the Act by field-applying livestock waste to land saturated by precipitation and within 200 feet of a surface water; and

Count VII—Violated conditions of its National Pollutant Discharge Elimination System (NPDES) permit, Section 12(f) of the Act (415 ILCS 5/12(f) (2014)), and Section 309.102(a) of the Board’s regulations (35 Ill. Adm. Code 309.102(a)) by discharging livestock waste to waters of the State and applying livestock waste to land in a manner that caused discharges of waste to waters of the State.

On September 7, 2017, the People and Greenville Livestock 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Morning Sentinel* on October 17, 2017. The Board did not receive any requests for hearing. The Board grants the parties’ request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2016); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board’s procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Greenville Livestock’s operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2016)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Greenville Livestock does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2016)), which may mitigate or aggravate the civil penalty amount. Greenville Livestock agrees to pay a civil penalty of \$14,000. The People and Greenville Livestock have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board’s findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Greenville Livestock, Incorporated must pay a civil penalty of \$14,000 no later than Monday, January 8, 2018, which is the first business day following the 30th

day after the date of this order. Greenville Livestock must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the face of the certified check or money order.

3. Greenville Livestock must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Greenville Livestock must send a copy of the certified check or money order and any transmittal letter to:

Rachel R. Medina
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2016)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2016)).
5. Greenville Livestock must cease and desist from future violations of the Act and Board regulations that were the subject matter of the complaint.

Members Carter and Santos abstained.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2010); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Office of the Attorney General Attn: Rachel R. Medina 500 South Second Street Springfield, Illinois 62706 rmedina@atg.state.il.us	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Greenville Livestock, Incorporated Attn: Claire A. Manning 205 South Fifth Street, Suite 700 P.O. Box 2459 Springfield, Illinois 62705-2459 cmanning@bhslaw.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on December 7, 2017, by a vote of 3-0.



Don A. Brown, Clerk
Illinois Pollution Control Board