

ILLINOIS POLLUTION CONTROL BOARD  
April 19, 2001

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 01-111  
) (Enforcement -Water)  
DAVID LIVINGSTON, individually, and )  
BRIAN SIPLEY, individually and d/b/a BCS )  
FARMS, )  
)  
Respondents. )

ORDER OF THE BOARD (by C.A. Manning):

On January 30, 2001, the People of the State of Illinois filed a three-count complaint against David Livingston (Livingston), individually, and Brian Siple (Siple), individually and d/b/a BCS Farms (Siple d/b/a BCS). The complaint alleges respondents caused or allowed water pollution and offensive conditions at the facility located at 2614 West McConnell Road, Freeport, Stephenson County, Illinois. These activities were in alleged violation of Section 12(a) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) (1998)) and the Board's water pollution regulations at 35 Ill. Adm. Code 302.203. The complaint alleges Siple d/b/a BCS caused a violation of livestock waste storage standards. This activity was in alleged violation of Section 12(d) of the Act (415 ILCS 5/12(d) (1998)) and the Board's agriculture water pollution regulations at 35 Ill. Adm. Code 501.404(b).

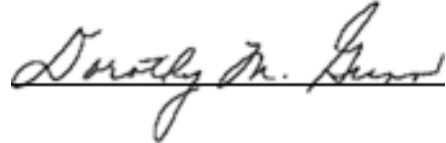
On April 6, 2001, the parties filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). Respondents neither admit nor deny the violations as alleged in the complaint. Livingston proposes to pay a \$2,000 civil penalty and Siple d/b/a BCS proposes to pay a civil penalty of \$6,500.

Pursuant to Section 31(c)(2) of the Act, the complainant may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the hearing requirement. (415 ILCS 5/31(c)(2) (1998)). Unless the Board determines that a hearing is needed, the Board is required to publish notice of the stipulation and proposal for settlement and request for relief from the hearing requirement.

Accordingly, the Board directs the Clerk of the Board to cause publication of the required newspaper notice. Any person may file a written demand for hearing within 21 days of the published notice. If a hearing is requested, the Board will deny the parties' request for relief and schedule a hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 19th day of April 2001 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board