

ILLINOIS POLLUTION CONTROL BOARD
October 30, 1980

ENVIRONMENTAL PROTECTION AGENCY,)
))
 Complainant,)
))
 v.) PCB 79-215
))
JOHN POPP AND G. E. LOGAN,))
))
 Respondents.))

ORDER OF THE BOARD (by D. Satchell):

On October 8, 1980 the Environmental Protection Agency (Agency) filed a motion for sanctions against Respondent, John Popp in connection with this enforcement action which involves allegations of violations of Sections 12(a) and 12(d) of the Environmental Protection Act (Act) and Rule 203(a) of Chapter 3: Water Pollution. On January 8, 1980 the Agency filed its first set of interrogatories and request for production of documents. On February 21, 1980 the Hearing Officer entered an Order directing John Popp to respond within ten days. The motion states that the Agency through correspondence two times asked John Popp to respond to the discovery, and that to date there has been no response. The Agency states that it has been substantially and materially prejudiced by Respondent's failure to comply with the discovery. Respondent has filed no response to the Agency's motion for sanctions.

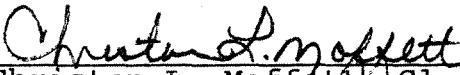
The Board finds, pursuant to Procedural Rule 701(c), that Respondent has unreasonably refused to comply with the Hearing Officer's Order. Respondent John Popp is debarred from filing any pleading relating to; or, maintaining any claim, counterclaim, third party complaint or defense relating to; or, offering any witness from testifying or other evidence concerning the following:

- a. The ownership of the livestock management facility described in the complaint and Exhibit B, interrogatory 4; or,
- b. The provision by Respondent John Popp of diversions, dikes, walls or curbs to control surface runoff through the hog feedlot area of the livestock management facility; or,
- c. Provision by Respondent John Popp of protection against Little Rock Creek flooding the livestock management facility; or,

- d. The financial ability of Respondent John Popp to pay any penalty which may be imposed by the Board.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 30th day of October, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board