

ILLINOIS POLLUTION CONTROL BOARD
February 15, 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.)

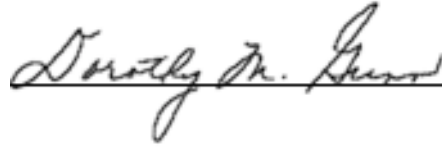
ORDER OF THE BOARD (by C.A. Manning):

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 (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 and 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). The Board accepts this matter for hearing.

The Board directs that this matter proceed to hearing as expeditiously as practicable. The assigned hearing officer must set the matter for hearing in accordance with the requirements of the Act and the Board's procedural rules. Accordingly, this matter must be set for hearing within 90 days after the filing of the complaint unless the hearing officer, after appropriate consultation with the parties, determines that a later date is appropriate and that no undue delay or material prejudice in the resolution of this matter would result. See 35 Ill. Adm. Code 103.212(c) (effective January 1, 2001). In any event, it is the responsibility of the hearing officer to guide the parties toward prompt resolution or adjudication of this matter, through whatever status calls and hearing officer orders he or she determines are necessary and appropriate.

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 15th day of February 2001 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board