

ILLINOIS POLLUTION CONTROL BOARD
February 17, 2000

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 99-111
)	(Enforcement – Water)
GERRY RICH d/b/a RICH PORK FARM,)	
)	
Respondent.)	

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

On January 11, 2000, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement. The complaint alleged that Gerry Rich d/b/a Rich Pork Farm (respondent) violated Sections 12(a), 12(d), and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(d), 12(f) (1998)) and 35 Ill. Adm. Code 302.203, 304.105, 304.106, 304.120(c), 501.403(a), 504.404(c)(2), and 504.404(c)(3), by causing, allowing, or threatening the discharge of contaminants to waters of the State; creating a water pollution hazard; causing offensive conditions in receiving waters, causing water quality standards violations; failing to maintain adequate diversion dikes, walls, or curbs to prevent outside surface waters from flowing through the animal feeding operation; and by discharging swine wastewater without a National Pollutant Discharge Elimination System permit.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in the *Peoria Journal Star* on January 15, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondent neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$5,000. Respondent must continue to comply with any federal, State, or local regulations, including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Gerry Rich d/b/a Rich Pork Farm (respondent) concerning respondent's facility located two miles northwest of Deer Creek, Tazewell County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Respondent shall pay the sum of \$5,000 within 60 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois. The case number, case name, and respondent's federal employer identification number (37-1160418) shall be included on the check or money order. The check or money order also must clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order shall be sent by first class mail to:

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

A copy of the payment transmittal and check or money order shall be simultaneously submitted to:

Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

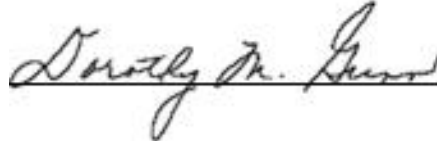
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

4. Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establish such filing requirements. See 172 Ill. 2d R. 335; see also Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 17th day of February 2000 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board