

ILLINOIS POLLUTION CONTROL BOARD
April 16, 1998

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 98-129
) (Enforcement - Water)
HEARTLAND PORK ENTERPRISES, INC.,)
an Iowa corporation,)
)
Respondent.)

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

On April 6, 1998, the Illinois Attorney General, on behalf of the People of the State of Illinois, filed a formal complaint naming as a respondent Heartland Pork Enterprises, Inc., an Iowa corporation. The facility at issue is a hog breeding, gestation, and farrowing facility located in Bell Ridge, Edgar County, Illinois. On the same day, the parties filed a stipulation and proposal for settlement accompanied by a request for relief from the requirement of Section 31(c)(2) of the Environmental Protection Act (Act) that proposed stipulated settlements be presented at public hearing. 415 ILCS 5/31(c)(2) (1996).

On April 15, 1998, complainant filed a revised complaint accompanied by a motion for leave to file. In support of this motion, complainant states that it "had inadvertently filed an uncorrected version of the pleading" containing factual and pleading errors as well as surplusage. Complainant further stated that respondent was aware that this revised complaint would be filed. The Board grants complainant's motion and accepts the revised complaint. The one-count revised complaint alleges water pollution as a result of overflow of liquid hog manure from an onsite waste collection system at the Bell Ridge facility, which resulted in a fish kill in Big Creek.

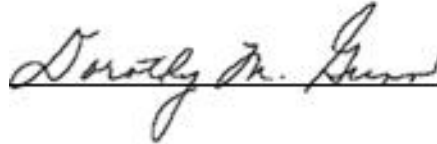
Section 31(c)(2) of the Act provides that whenever a complaint has been filed on behalf of the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing. 415 ILCS 5/31(c)(2) (1996). The Board is required to cause notice of the stipulation, proposal, and request for relief to be published, unless the Board, in its discretion, concludes that a hearing is necessary. The notice is required to include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board will deny the request for relief from a hearing.

The Board accordingly directs the Clerk of the Board to cause publication of the required newspaper notice. The Board will reserve ruling on the parties' request for relief from the hearing requirement until after the statutory 21 days have passed.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 16th day of April 1998 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