## ILLINOIS POLLUTION CONTROL BOARD December 7, 2006

)	
)	
)	
)	
)	PCB 06-150
)	(Enforcement - Water)
)	
)	
)	
)	
	) ) ) ) ) ) ) ) )

## ORDER OF THE BOARD (by G.T. Girard):

On March 28, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Stoecker Farms, Inc. (Stoecker Farms). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Stoecker Farms' swine production facility in Macoupin County.

Under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2004)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People allege that Stoecker Farms violated Section 12(a), (d), and (f) of the Act (415 ILCS 5/12(a), (d), and (f) (2004)) and 35 Ill. Adm. Code 302.203, 304.106, 309.102(a), 501.403(a), 501.404(c)(3), 580.105, and 580.300.

The People further allege that Stoecker Farms violated these provisions by (1) causing or allowing the release of livestock waste onto land so as to create a water pollution hazard; (2) causing, threatening, or allowing the discharge of wastewater and manure solids into an unnamed tributary of Cahokia Creek so as likely to create a nuisance or render those waters harmful or detrimental or injurious to commercial, industrial, agricultural, recreational, or other legitimate uses or to livestock, wild animals, birds, fish, or other aquatic life; (3) causing, threatening, or allowing the discharge of wastewater and manure solids containing settleable solids, floating debris, visible oil, grease, scum or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin into an unnamed tributary of Cahokia Creek; (4) causing, threatening, or allowing the discharge of wastewater and manure solids into an unnamed tributary of Cahokia Creek without a National Pollutant Discharge Elimination System (NPDES) permit; (5) failed to maintain adequate storage capacity in livestock waste pits to prevent an overflow and to provide adequate diversion of surface waters from the pits; and (6) failing to report the release of livestock waste to State officials. The People ask the Board to order Stoecker Farms to cease and desist from further violation and pay a civil penalty of not more than the statutory maximum.

On November 27, 2006, the People and Stoecker Farms filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Stoecker Farms admits the alleged violations, and agrees to pay a civil penalty of \$5,000. The stipulation also contains a compliance plan, with stipulated penalties in the event Stoecker Farms fails to timely comply with its provisions.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

## IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 7, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board