

ILLINOIS POLLUTION CONTROL BOARD

March 1, 2007

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 00-104
	)	(Enforcement – Water)
THE HIGHLANDS, L.L.C., and MURPHY	)	
FARMS INC. (a division of MURPHY	)	
BROWN, LLC, a North Carolina limited	)	
liability corporation, and SMITHFIELD	)	
FOODS, INC., a Virginia corporation),	)	
	)	
Respondents.	)	

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On January 26, 2007, the Board issued a final opinion and order in this matter. The final opinion and order accepted a stipulation and proposed settlement filed by the Office of the Attorney General, on behalf of the People of the State of Illinois (People) together with the Highlands, LLC (Highlands). Based on the parties' stipulation and proposed settlement, the Board ordered the Highlands to pay a civil penalty of \$9,000 within 30 days from January 26, 2007.

On February 15, 2007, the People moved to conform the second paragraph of the Board's January 26, 2007 order to the stipulation, which allows the penalty to be paid in two equal installments. The People state the counsel for respondent has no objection to the motion. The Board grants the motion and orders the respondent to pay the civil penalty in two equal and staggered installments, rather than in one installment by thirty days from the date of the Board's final opinion and order.

Accordingly, the Board modifies the January 26, 2007 order, and conforms the order to the parties' stipulation as set forth below.

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

**ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. The Highlands, LLC (Highlands) must pay a civil penalty of \$9,000 in two installments. The first \$4,500 installment must be paid no later than April 2, 2007, which is the first business day after the 30th day after the date of this order.

The second \$4,500 installment must be paid no later than June 29, 2007, which is the 120th day after the date of this order. Highlands must pay the civil penalty by certified check, money order, or electronic funds transfer, payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and Highlands' social security number or federal employer identification number must be included on the certified check, money order or transfer of electronic funds.

3. The Highlands must send the certified check to:

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

Copies of the check must be sent to:

Jane McBride  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62702

Tom Andryk  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

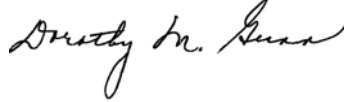
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
5. The Highlands must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final

orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 1, 2007, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board