## ILLINOIS POLLUTION CONTROL BOARD February 19, 2009

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) )	PCB 09-56 (Enforcement - Water)
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ORDER OF THE BOARD (by G.T. Girard):

On February 3, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint (Complaint) against Brent Speckhart, doing business as Brent Speckhart Swine Farm (Respondent). The complaint concerns respondent's swine farm facility (facility) located in the northeast corridor of Section 23, Township 3 South, Range 8 West, in Adams County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the complaint as meeting the applicable content requirements of the Board's procedural rules. *See* 35 Ill. Adm. Code 103.204. The Board further directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that respondent Speckhart violated Sections 12(a), 12(d), and 12(f) of the Act, (415 ILCS 5/12(a), (d), and (f) (2006)), and Sections 501.404(c)(3) and 501.404(c)(4)(A) of the Board's Agriculture Related Pollution Regulations (35 Ill. Adm. Code 501.404(c)(3) and 501.404(c)(4)(A)). Comp. at 5-9.

Specifically, the People allege that respondent Speckhart violated the provisions of the Act and Board's regulations by discharging livestock waste upon the land so as to allow contaminants to drain into waters of the state; depositing livestock waste upon the land so as to create water pollution; discharging contaminants into the waters of the state from a point source without a National Pollution Discharge Elimination System permit; failing to maintain lagoon levels such that there was adequate storage capacity to prevent an overflow; and, by failing to take proper measures to handle the volume of waste in the facility's two-cell lagoon.

On February 3, 2009, the People and respondent Speckhart also 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action

without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Speckhart admits to the alleged violations and agrees to pay a civil penalty of \$7,000.00.

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. *See* 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 19, 2009, by a vote of 5-0.

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John Therriault, Assistant Clerk Illinois Pollution Control Board