

ILLINOIS POLLUTION CONTROL BOARD  
May 6, 2010

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 10-43
	)	(Water – Enforcement)
ROBERT MILLER, d/b/a MIL-R-MOR	)	
FARM,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by C.K. Zalewski):

On December 15, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against Robert Miller, d/b/a MIL-R-MOR FARM (respondent). See 415 ILCS 5/31(c)(1) (2008)<sup>1</sup>; 35 Ill. Adm. Code 103.204. The complaint concerns respondent’s dairy farm that consists of two separate parcels located at the following addresses: 765 East Rock Grove Road, Orangeville, Stephenson County; and 1984 Hickory Grove Road, Dakota, Stephenson County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the complaint and 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 (2008)), the Attorney General may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. The People allege that respondent violated Sections 12(a) and 12(d) of the Act, (415 ILCS 5/12(a), 12(d) (2008)) and Section 302.203 of the Board’s water pollution regulations, (35 Ill. Adm. Code 302.203) and Sections 501.403(a), 501.404(b)(1), and 501.405(a) of the Board’s agriculture-related pollution regulations (35 Ill. Adm. Code 501.403(a), 501.404(b)(1), 501.405(a)).

According to the complaint, respondent violated these provisions by (1) failing to adequately store and spread livestock waste at the site to prevent such wastes from discharging to the environment; (2) causing, threatening, and allowing the discharge of contaminants, such as manure and manure-containing runoff, into waters of the State such that they will or are likely to create a nuisance or render such waters harmful or detrimental or injurious; (3) causing, threatening, and allowing the depositing of contaminants on land so as to cause water pollution; (4) causing, threatening, and allowing offensive conditions; (5) failing to provide adequate runoff control structures at the site; (6) failing to construct a temporary manure stack at the site; and (7) causing, threatening, and allowing the improper field application of livestock wastes.

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<sup>1</sup> All citations to the Act will be to the 2008 compiled statutes because the provisions at issue have not been substantively amended in the 2008 compiled statutes.

On April 16, 2010, the People and respondent 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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). Respondent neither admits nor denies the violations alleged in Counts II and V in the complaint. Respondent denies the violations alleged in Counts I, III, IV and VI in the complaint filed. But, under the proposed stipulation, respondent agrees to pay a civil penalty of \$2,000.

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) (2008); 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 order on May 6, 2010, by a vote of 5-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board