ILLINOIS POLLUTION CONTROL BOARD September 8, 2011

Complainant,	
v.) PCB 12-28) (Enforcement -	Water)
STROUT CROSSING, LLC,	,
JERRY WEBSTER and MARK WEBSTER,)	
)	
Respondents.)	

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

On August 17, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against Strout Crossing, LLC (Strout Crossing), Jerry Webster, and Mark Webster (collectively, respondents). The complaint concerns the Strout Crossing's head sow operation and the Webster's land application of livestock waster. The operations are located at Section 14, Township 7 South, Range 3 West, of the 4th Principal Meridian in Pike County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that the respondents violated Sections 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/12(a), 12(d), 12(f) (2010)) and Section 303.203, 304.106, 501.405(a), and 502.103 of the Board's Water Pollution Regulations (35 Ill. Adm. Code 303.203, 304.106, 501.405(a), 502.103). According to the complaint, respondents violated these provisions by: 1) causing or allowing the discharge of swine waste to cause water pollution, 2) depositing swine waste upon the land in proximity to Silkwood Creek when rain was imminent to create a water pollution hazard, 3) causing, threatening, or allowing the discharge of swine waste from a land application into Silkwood Creek without an NPDES permit and in violation of the Board's regulations, 4) applying swine waste to land so as to allow discharge of contaminants resulting in unnatural color, odor, and turbidity in Silkwood Creek, 5) causing or allowing a point source discharge from the swine waste that resulted in Silkwood Creek exhibiting the same odor, turbidity, and scum as the swine waste, and 6) applying swine waste on a steep slope and in close proximity to surface waters during a time when rain was imminent. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. See 35 Ill. Adm. Code 103.204(c).

On August 17, 2011, simultaneously with the People's complaint, the People and the respondents 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, the respondents do not affirmatively admit and specifically deny the allegations of violations and agree to pay a civil penalty of \$6,500.

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) (2010); 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 September 8, 2011, by a vote of 5-0.

In T. Therian

John Therriault, Assistant Clerk Illinois Pollution Control Board