## ILLINOIS POLLUTION CONTROL BOARD November 17, 2016

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## ORDER OF THE BOARD (by G.M. Keenan):

On November 9, 2016, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Richard Sutton and David Sutton, doing business as Sutton Farms (respondents). The complaint concerns respondents' property located at 557 CR 400E in Norris City, White 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 (2014)), 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 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated Sections 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/12(a), (d), (f) (2014)), and Sections 302.203, 309.102(a), 501.404(c)(3), and 501.404(c)(4)(A) of the Board's regulations (35 Ill. Adm. Code 302.203, 309.102(a), 501.404(c)(3), 501.404(c)(4)(A)). The People allege that respondents violated these provisions by causing or allowing water pollution, creating a water pollution hazard, and by causing or allowing discharges of livestock waste without having a National Pollutant Discharge Elimination System (NPDES) permit. 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 November 9, 2016, simultaneously with the People's complaint, the People and 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) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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, respondents admit to the alleged violations and agree to pay a civil penalty of \$7,500.

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) (2014); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

## IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 17, 2016, by a vote of 5-0.

John T. Therriault, Clerk

Illinois Pollution Control Board