ILLINOIS POLLUTION CONTROL BOARD November 2, 2017

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,))	
V.)	PCB 18-21
TODD PARISH,)	(Enforcement –)
Respondent.)	

Water, NPDES)

ORDER OF THE BOARD (by K. Papadimitriu):

On October 25, 2017, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Todd Parish. The complaint concerns Mr. Parish's confined animal feeding operation known as Sunny B Farms, located at 1630 Lone Oak Road in Harrisburg, Saline 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 (2016)), 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 (2016); 35 Ill. Adm. Code 103. In this case, the People allege that Mr. Parish violated Sections 12(a), (d), and (f) of the Act (415 ILCS 5/12(a), (d), and (f) (2016)), and Sections 302.203, 304.105, 304.106, 309.102(a), 501.401(e), and 502.101 of the Board regulations (35 Ill. Adm. Code 302.203, 304.105, 304.106, 309.102(a), 501.401(e), and 502.101), by causing or allowing the discharge of liquid livestock waste into Bethel Creek and upon the land without 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 October 25, 2017, simultaneously with the People's complaint, the People 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) (2016)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2016)), 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, Mr. Parish admits the alleged violations and agrees to pay a civil penalty of \$5,000.

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 30 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) (2016); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

Board Members C.M. Santos and B.K. Carter abstained.

I, Don Brown A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 2, 2017, by a vote of 5-0.

Don a. Brown

Don A. Brown, Clerk Illinois Pollution Control Board