

ILLINOIS POLLUTION CONTROL BOARD
January 26, 2007

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 07-29
) (Enforcement – Water, Air)
PINNACLE GENETICS, LLC, an Illinois)
limited liability corporation, and)
PROFESSIONAL SWINE MANAGEMENT,)
LLC, an Illinois limited liability corporation,)
)
Respondents.)

ORDER OF THE BOARD (by N.J. Melas):

On October 24, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an eight-count complaint against Pinnacle Genetics, L.L.C. (Pinnacle), and Professional Swine Management, L.L.C. (Professional) (jointly, respondents). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns an 1800-head sow swine production facility owned by Pinnacle and located along County Road 600N, approximately 2.5 miles north of Colmar in LaMoine Township, Mcdonough County. Professional jointly operates the facility with Pinnacle.

The People allege that respondents violated Sections 4(h), 9(a), (b), and (c), and 12(a), (d), and (f) of the Environmental Protection Act (415 ILCS 5/4(h), 9(a), (b), (c), 12(a), (d), and (f) (2004)) and Sections 201.141, 237.102, 304.106, 309.102(a), 309.202, 501.402(c)(3), 501.404(b)(1), and 580.105 of the Board's rules (35 Ill. Adm. Code 201.141, 237.102, 304.106, 309.102(a), 309.202, 501.402(c)(3), 501.404(b)(1), and 580.105). The People allege that the respondents caused or threatened water pollution and a water pollution hazard by improperly storing manure solids, conducting an unpermitted truck wash at the facility, and allowing wastewater and manure solids to enter waters of the State. The People further allege that the respondents failed to report the releases of livestock waste that occurred as a result of the truck wash. The People claim the respondents caused or allowed air pollution and operated without an air permit by improperly incinerating dead swine at the facility. The complaint alleges the respondents caused or allowed the open burning of veterinary medical waste. Finally, the People claim that the respondents began construction to double the capacity of the facility without obtaining a stormwater National Pollutant Discharge Elimination System permit.

On January 22, 2007, the People and both 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed

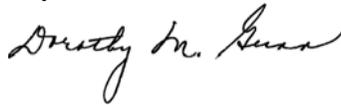
stipulation, the respondents neither admit nor deny the alleged violations and agree to pay a civil penalty of \$27,000.

The respondents also agree to perform three supplemental environmental projects (SEP) in settling this enforcement action. The respondents have already installed and will continue to maintain a 500-foot long windbreak and privacy screen consisting of three species of trees. The installation cost approximately \$6,000 and annual costs for maintenance are estimated to be \$1,500 to \$2,000. The respondents will donate \$2,500 to the McDonough County Soil and Water Conservation Service for the development of a conservation demonstration site. The respondents will also donate \$2,500 toward a feasibility study for a wind monitoring project at nine area schools.

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. 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 26, 2007, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board