

ILLINOIS POLLUTION CONTROL BOARD
October 5, 2017

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 17-56
)	(Enforcement - Water)
GREENVILLE LIVESTOCK, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

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

On March 17, 2017, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a seven-count complaint against Greenville Livestock, Incorporated. The complaint concerns Greenville Livestock's confined animal feeding operation at 25815 Hugo Road in Centralia, Clinton County. The parties now seek to settle without a hearing. For the reasons below, the Board 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 (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 Greenville Livestock:

Count I—Violated Section 12(a) of the Act (415 ILCS 5/12(a) (2014)) by causing, threatening, or allowing the discharges of contaminants from feedlots so as to cause or tend to cause water pollution;

Count II—Violated Section 12(d) of the Act (415 ILCS 5/12(d) (2014)) by failing to contain feedlot runoff so as to create a water pollution hazard;

Count III—Violated Section 302.203 of the Board's regulations (35 Ill. Adm. Code 302.203) and Section 12(a) of the Act by causing or allowing livestock waste to be discharged from feedlots and a land application field into waters of the State, causing the water to take the odor of livestock waste and appear dark in color;

Count IV—Violated Section 501.403(a) of the Board's regulations (35 Ill. Adm. Code 501.403(a)) and Section 12(a) of the Act by failing to ensure that its feedlots had adequate containment structures to direct runoff and prevent outside water from flowing through the feedlots;

Count V—Violated Section 501.404(c)(4)(A) of the Board’s regulations (35 Ill. Adm. Code 501.404(c)(4)(A)) and Section 12(a) of the Act by failing to ensure that its holding pond had adequate storage capacity so as not to cause water pollution;

Count VI—Violated Section 501.405(a) of the Board’s regulations (35 Ill. Adm. Code 501.405(a)) and Section 12(a) of the Act by field-applying livestock waste to land saturated by precipitation and within 200 feet of a surface water; and

Count VII—Violated conditions of its National Pollutant Discharge Elimination System (NPDES) permit, Section 12(f) of the Act (415 ILCS 5/12(f) (2014)), and Section 309.102(a) of the Board’s regulations (35 Ill. Adm. Code 309.102(a)) by discharging livestock waste to waters of the State and applying livestock waste to land in a manner that caused discharges of waste to waters of the State.

On September 7, 2017, the People and Greenville Livestock 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, Greenville Livestock does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$14,000.

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

Members Carter and Santos abstained.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 5, 2017 by a vote of 3-0.



Don A. Brown, Clerk
Illinois Pollution Control Board