

ILLINOIS POLLUTION CONTROL BOARD

August 22, 2002

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 00-104
)	(Enforcement – Air, Water)
THE HIGHLANDS, LLC, and MURPHY)	
FARMS, INC. (a division of MURPHY)	
BROWN, LLC and SMITHFIELD FOODS,)	
INC.),)	
)	
Respondents.)	

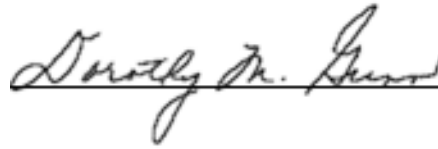
ORDER OF THE BOARD (by C.A. Manning):

On August 20, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count amended complaint against The Highlands, LLC, and Murphy Farms (a division of Murphy Brown, LLC and Smithfield Foods, Inc.) (respondents). *See* 415 ILCS 5/31(c)(1) (2000), *as amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 103.204. The People allege that respondents violated Sections 9(a), and 12(a), (d), and (f) of the Act (415 ILCS 5/9(a), 12(a), (d), (f) (2000), *as amended by* P.A. 92-0574, eff. June 26, 2002), and 35 Ill. Adm. Code 501.402(c)(3) and 501.405(a). The People further allege that respondents violated these provisions by causing or allowing the emission of offensive odors, and causing or allowing the discharge of livestock waste to a tributary of French creek without a National Pollutant Discharge Elimination System permit so as to create a water pollution hazard. The complaint concerns respondents' swine facility located just south of Williamsfield in Elba Township, Knox County.

The People moved for leave to file the amended complaint on August 20, 2002. Pursuant to the Board's procedural rules, complaints must include notice to respondents that failure to answer the complaint may have severe consequences. *See* 35 Ill. Adm. Code 103.204(f). The notice is especially important here, as respondents did not answer the original complaint. It is not clear from the record in this matter that the amended complaint included this notice to respondents. Upon proof that respondents were served with this notice, the hearing officer is directed to rule on the motion. *See* 35 Ill. Adm. Code 103.212(c).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 22, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board