

ILLINOIS POLLUTION CONTROL BOARD

January 4, 2001

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 00-104  
) (Enforcement - Air)  
THE HIGHLANDS, L.L.C., an Illinois )  
limited liability corporation, MURPHY )  
FARMS, INC. a/k/a MURPHY FAMILY )  
FARMS, a North Carolina corporation, and )  
BION TECHNOLOGIES, INC., a Colorado )  
corporation, )  
)  
Respondents. )

OPINION AND ORDER OF THE BOARD (by E.Z. Kezelis):

On November 21, 2000, the complainant filed a stipulation and proposal for settlement accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(1) (1998)). The stipulation involved a settlement reached with only one respondent, Bion Technologies, Inc. (Bion).

Pursuant to Section 31(c)(2) of the Act, the Board, by order of December 7, 2000, caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. In its complaint, the complainant alleged that the Bion caused or allowed violation of various air pollution regulations through the design of the livestock waste management system utilized at the 3,650 sow farrow-to-wean facility located south of Williamsfield in Elba Township, Knox County, Illinois.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Bion does not admit responsibility for any of the alleged violations in the complaint, but nevertheless agrees to pay a total civil penalty of \$9,000. Bion must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the stipulation and proposal for settlement executed by the People of the State of Illinois and Bion Technologies, Inc., regarding a facility located in Knox County, Illinois. The stipulation and proposal for settlement is incorporated by reference as if fully set forth herein.
2. Bion shall pay the sum of \$9,000 within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number, case name, and Bion's federal employer identification number (841127428) shall also be included on the check or money order.
3. The check or money order shall be sent by first class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

A copy of the payment transmittal and check shall be simultaneously submitted to:

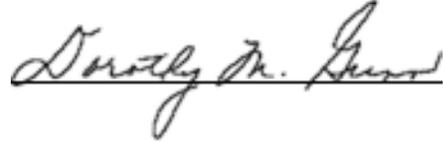
Office of the Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

4. Bion shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 4th day of January 2001 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board