

ILLINOIS POLLUTION CONTROL BOARD  
August 17, 2023

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 24-12  
) (Enforcement - Water)  
DEER VIEW, LLC, an Illinois limited liability )  
company, and PROFESSIONAL SWINE )  
MANAGEMENT, LLC, an Illinois limited )  
liability company, )  
)  
Respondents. )

ORDER OF THE BOARD (by B.F. Currie):

On August 7, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against Deer View, LLC (Deer View), and Professional Swine Management, LLC (PSM). The complaint concerns Deer Valley’s farrow-to-wean swine operation located at 1487 East County Road 150 North, West Point, Hancock 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 (2022)), 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 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Respondents violated the following sections of the Act and Board regulations:

Count I: Section 12(a) of the Act, 415 ILCS 5/12(a) (2022) by causing, threatening or allowing livestock waste and mortality compost leachate to be discharged from the Facility to the unnamed tributaries of Panther Creek.

Count II: Section 12(d) of the Act, 415 ILCS 5/12(d) (2022) by depositing livestock waste and mortality compost leachate upon the land.

Count III: Section 12(f) of the Act, 415 ILCS 5/12(f) (2022) by causing threatening, or allowing the discharge of contaminants from a point source to waters of the State without a valid NPDES permit and by causing threatening or allowing the discharge or contaminants from a concentrated animal feeding operation to waters of the State without a valid NPDES permit.

Count IV: Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), and Sections 302.203 and 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203 and 304.105 by causing or allowing the discharge of livestock waste into a water of the State, resulting in the water's unnatural color, odor, and turbidity.

Count V: Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), and Sections 302.212(a) and 304.105 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.212(a) and 304.105 by allowing the release of livestock waste to an unnamed tributary of Panther Creek causing total ammonia nitrogen exceeding 15 mg/L.

Count VI: Section 12(a) of the Act, 415 ILCS 5/12(a) (2022) and Sections 501.401(e), 501.403(b), and 501.404(c)(3) of the Board's Agriculture Related Pollution Regulations, 35 Ill. Adm. Code 501.401(e), 501.403(b), and 501.404(c)(3) by failing to maintain adequate livestock waste storage capacity so as to prevent overflows.

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 August 7, 2023, simultaneously with the People's complaint, the People and the 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) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), 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, the Respondents do not affirmatively admit the alleged violations and Respondent Deer View agrees to pay a civil penalty of \$9,000 and Respondent PSM agrees to pay a civil penalty of \$15,000.

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) (2022); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 17, 2023, by a vote of 3-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board