

ILLINOIS POLLUTION CONTROL BOARD  
June 22, 2000

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 00-1  
) (Enforcement - Water)  
PAUL BERGMANN d/b/a PAUL )  
BERGMANN DAIRY FARM, )  
)  
Respondent. )

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

On April 27, 2000, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that respondent violated Sections 12(a) and 12(d) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(d) (1998)), and the Board's regulations found at 35 Ill. Adm. Code 302.212(a), 501.403(a), and 501.404(c)(4), by causing or allowing the discharge of livestock waste into the waters of the State, causing or allowing the accumulation of livestock waste upon the land in such a manner as to create a water pollution hazard, causing or allowing concentrations of ammonia nitrogen to occur in excess of water quality standards, failing to have adequate diversion dikes, walls or curbs to prevent excessive outside waters, and failure to maintain a livestock waste handling system with adequate storage.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in the *Breese Journal* on May 4, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondent admits the alleged violations and agrees to pay a civil penalty of \$3,500. Respondent 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 and order constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

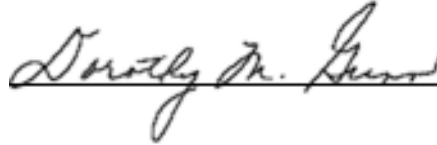
1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Paul Bergmann d/b/a Paul Bergmann Dairy Farm, located near Bartelso, Clinton County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
  2. The respondent shall pay the sum of \$3,500 in two payments of \$1,750. The first payment is due on or before July 31, 2000; the final payment shall be due on or before January 31, 2001. Such payment shall be made by personal check payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and the respondent's social security number shall also be included on the check and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
  3. The checks 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. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
  5. Respondent shall cease and desist future alleged violations of any federal, State, or local statutes and regulations.

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 101.246, 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 22nd day of June 2000 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board