

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1990

PEOPLE OF THE STATE)
OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 90-88
) (Enforcement)
ELDON SWEDBERG, d/b/a ELDON)
SWEDBERG SWINE FARM,)
)
Respondent.)

RENEE CIPRIANO APPEARED ON BEHALF OF COMPLAINANT.

JOHN R. BAGLEY APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board upon a complaint filed April 30, 1990 on behalf of the People of the State of Illinois ("People"), by and through its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against Eldon Swedberg d/b/a Eldon Swedberg Swine Farm ("Swedberg"), located in Morton, Tazewell County, Illinois. The complaint alleges that Swedberg has violated Sections 12(a), (d), and (f) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111½, pars. 1001, et. seq., and 35 Ill. Adm. Code 309.102, 302.203, and 302.212(a) of the Board's rules and regulations.

Hearing on this matter was held August 21, 1990 in Pekin, Tazewell County, Illinois. At hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. The Stipulation sets forth facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. Swedberg admits to past violations of Sections 12(a), 12(d) and 12(f) of the Act and agrees to pay a civil penalty of four thousand dollars (\$4,000). Swedberg further agrees to cease and desist from the alleged violations.

The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180. This Settlement Agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control 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 Settlement Agreement executed by the People of the State of Illinois and Eldon Swedberg, d/b/a Eldon Swedberg Swine Farm, concerning Swedberg's, operations located in Morton, Tazewell County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Swedberg shall pay the sum of four thousand dollars (\$4,000) 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, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276


Swedberg shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

J. Dumelle and J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 20th day of December, 1990, by a vote of 5-2.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board