

ILLINOIS POLLUTION CONTROL BOARD  
February 2, 2012

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 12-104  
) (Enforcement - Water)  
WALK STOCK FARM, INC., )  
)  
Respondent. )

ORDER OF THE BOARD (by T. A. Holbrook):

On January 23, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Walk Stock Farm, Inc. The complaint concerns Walk Stock Farm, Inc.'s swine farrowing facility located at Cumberland County Road 700 North, 1 mile west of 500 East Road and 8 1/4 miles west of Toledo, in Neoga, Cumberland 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 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Walk Stock Farm, Inc. violated Sections 12(a), (d), and (f) of the Act (415 ILCS 5/12(a), 12(d), and 12(f) (2010)) and Sections 309.102(a), 304.106, and 501.404(c)(3) and (4) of the Board's rules (35 Ill. Adm. Code 309.102(a), 304.106, 501.404(c)(3) and (c)(4)). The People alleges that the respondent violated these provisions by causing and allowing the unpermitted discharge of swine manure from a swine production manure storage pit with inadequate storage capacity into a creek bed, therefore causing or tending to cause water pollution, a water pollution hazard, and the emission of an offensive discharge. 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 January 23, 2012, simultaneously with the People's complaint, the People and Walk Stock Farm, Inc. 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, Walk Stock Farm, Inc. denies the alleged violations

and agrees to pay a civil penalty of \$5,000.00 within 30 days from the date the Board adopts and accepts the stipulation.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 2, 2012, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board