ILLINOIS POLLUTION CONTROL BOARD September 20, 2001

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 02-29
BOB NICKEL d/b/a NICKEL AGRI- SERVICE,)	(Enforcement - Water)
Respondent.)	

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

On September 7, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Bob Nickel d/b/a Nickel Agri-Service (Nickel). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that Nickel violated Section 12(a) and (d) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (d) (2000)) and 35 Ill. Adm. Code 501.403(a) and 501.404(c)(2), (c)(3), and (c)(4)(A) of the Board's livestock regulations. The People further allege that Nickel violated these provisions by cutting the berm on one or more livestock waste lagoons causing the discharge of livestock waste sludge. The complaint concerns a hog confinement operation located in Sangamon County.

On September 7, 2001, the People and Nickel 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) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). See 35 Ill. Adm. Code 103.300(a).

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. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the above order was adopted on September 20, 2001, by a vote of 6-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board