

ILLINOIS POLLUTION CONTROL BOARD  
October 6, 2016

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 10-84  
) (Enforcement - Water)  
PROFESSIONAL SWINE MANAGEMENT, )  
LLC, HILLTOP VIEW, LLC, WILDCAT )  
FARMS, LLC, HIGH-POWER PORK, LLC, )  
EAGLE POINT, LLC, LONE HOLLOW, )  
LLC, TIMBERLINE, LLC, PRAIRIE STATE )  
GILTS, LTD., and LITTLE TIMBER, LLC, an )  
Illinois corporation, )  
)  
Respondents. )

ORDER OF THE BOARD (by J.A. Burke):

The State of Illinois (People) alleged water pollution violations at nine livestock facilities managed by Professional Swine Management (PSM). One facility owner already settled. The People, PSM, and the remaining eight facility owners now propose to settle. For each livestock facility, the People, PSM, and the respective owner filed a proposed settlement accompanied by a request to not hold a hearing. However, Section 31(c)(2) of the Environmental Protection Act (Act) allows the public to request a hearing. 415 ILCS 5/31(c)(2) (2014). Accordingly, the Board directs the Clerk to publish notice of the proposed settlements.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2014)), the People may bring actions before the Board to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2014); 35 Ill. Adm. Code 103. In this case, the People allege water pollution violations of Sections 12(a), 12(d), and 12(f) of the Act (415 ILCS 5/12(a), 12(d), 12(f) (2014)) and Sections 302.203, 309.102(a), 501.403(a), and 620.301 of the Board's regulations (35 Ill. Adm. Code 302.203, 309.102(a), 501.403(a), 620.301). Previously, the People voluntarily dismissed Twin Valley Pumping, Inc. and settled with North Fork Pork, LLC. Now, the People seek to settle with PSM and the remaining eight owners: Hilltop View, LLC; Wildcat Farms, LLC; High-Power Pork, LLC; Eagle Point, LLC; Lone Hollow, LLC; Timberline, LLC; Prairie State Gilts, Ltd; and Little Timber, LLC. These settlements will bring this docket to a close.

On count I, Hilltop View (Schuyler County) and PSM do not admit to violating Section 12(a), 12(d), or 12(f) of the Act, or 35 Ill. Adm. Code 309.102(a), but agree to pay a civil penalty of \$14,500.

On count II, Wildcat Farms (Hancock County) and PSM do not admit to violating Section 12(a), 12(d), or 12(f) of the Act, 35 Ill. Adm. Code 302.203, or 35 Ill. Adm. Code 309.102(a), but agree to pay a civil penalty of \$10,500.

On count III, High Power Pork (Adams County) and PSM do not admit to violating Section 12(a), 12(d), or 12(f) of the Act, 35 Ill. Adm. Code 302.203, or 35 Ill. Adm. Code 309.102(a), but agree to pay a civil penalty of \$18,000.

On count IV, Eagle Point Farms (Fulton County) and PSM do not admit to violating Section 12(a), 12(d), or 12(f) of the Act, or 35 Ill. Adm. Code 309.102(a), but agree to pay a civil penalty of \$16,000.

On count V, Lone Hollow (Hancock County) and PSM do not admit to violating Section 12(a), 12(d), or 12(f) of the Act, or 35 Ill. Adm. Code 309.102(a), but agree to pay a civil penalty of \$17,500.

On count VI, Timberline (Schuyler County) and PSM do not admit to violating Section 12(a), 12(d), or 12(f) of the Act, 35 Ill. Adm. Code 309.102(a), or 35 Ill. Adm. Code 501.403(a), but agree to pay a civil penalty of \$11,000.

On count VII, Prairie State Gilts (Schuyler County) and PSM do not admit to violating Section 12(a), 12(d), or 12(f) of the Act, 35 Ill. Adm. Code 302.203, or 35 Ill. Adm. Code 309.102(a), but agree to pay a civil penalty of \$14,000.

On count VIII, Little Timber (Hancock County) and PSM do not admit to violating Section 12(a), 12(d), or 12(f) of the Act, 35 Ill. Adm. Code 302.203, or 35 Ill. Adm. Code 309.102(a),<sup>1</sup> but agree to pay a civil penalty of \$15,000.

The Board must publish 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 hold a hearing. *See* 415 ILCS 5/31(c)(2) (2014); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 6, 2016 by a vote of 5-0.



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<sup>1</sup> The parties stipulate that they intend for the proposed settlement to “be a final adjudication of this matter.” Stip. at 2. Accordingly, if and when it accepts the proposed settlement, the Board will dismiss the alleged violation of 35 Ill. Adm. Code 620.301 in count VIII of the second amended complaint, although it is not specifically cited in the stipulation.

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John T. Therriault, Clerk  
Illinois Pollution Control Board