



For Immediate Release

Contact: Cara Smith

312-814-3118

877-844-5461 (TTY)

csmith@atg.state.il.us

October 30, 2006

MADIGAN: MERCER COUNTY MAN LATE TO REPORT NUMEROUS LIVESTOCK WASTE SPILLS

Chicago - Attorney General Lisa Madigan has filed a complaint alleging that on several occasions beginning in 2002, a Mercer County swine operator allowed liquid livestock waste from overflowing manure pits or other malfunctions at his finishing operation to flow onto his neighbors' property.

In the complaint filed earlier this month with the Illinois Pollution Control Board (IPCB), Madigan also alleges that Greg Giertz, owner and operator of Giertz Swine Farm #1, located on Knoxville Road in New Windsor, failed to report most of the discharges in a timely manner to the Illinois Emergency Management Agency (IEMA) or the IEPA and conducted his operation without the legally required National Pollution Discharge Elimination System (NPDES) permit. The IEPA referred the case to Madigan's office.

According to Madigan's complaint, March and April of 2004, a neighbor complained that alleged releases of livestock waste from a confinement building on the Giertz farm had left a trail of manure on their horse pasture. In September 2004, the same neighbor reported that a similar discharge of livestock waste had flowed onto the pasture and into creek behind their residence and allegedly resulted in an odor that prevented the use of their backyard.

The IEPA issued a Violation Notice to Giertz after advising him to correct the cause of the releases and to notify IEMA. Giertz responded to the notice by asserting that the discharges were minor in nature and that the waste storage facilities at the farm were adequately maintained. In addition, Giertz claimed he did not need a National Pollution Discharge Elimination System (NPDES) permit and that the farm was operated as a hobby.

Madigan's complaint also alleges that Giertz engaged in water pollution and NPDES violations for similar, earlier incidents that occurred in April 2002 and for failing to report those incidents as well as the April 2004 releases.

Madigan's complaint requests a hearing before the IPCB and asks the IPCB to order Giertz to comply with the environmental laws, and to impose a civil penalty of \$50,000 for each violation and an additional penalty of \$10,000 for each day the violations continued.

Assistant Attorney General Jane McBride is handling the case for Madigan's Environmental Bureau.

-30-

[Return to October 2006 Press Releases](#)