ILLINOIS POLLUTION CONTROL BOARD August 4, 2006

| PEOPLE OF THE STATE OF ILLINOIS, |) | |
|----------------------------------|---|----------------------|
| Complainant, |) | |
| v. |) | PCB 04-107 |
| PETER BABANIOTIS, an individual, |) | (Enforcement - Land) |
| Respondent. |) | |

ORDER OF THE BOARD (by A.S. Moore):

On December 29, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Peter Babaniotis. *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The People allege that Babaniotis violated sections 12(a), 12(d), and 12(f)(2) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(d), and 12(f)(2) (2004)) and sections 302.203, 302.208(g), 302.212(a), 731.164(a), 731.164(b), 731.165(b), and 731.165(b), and 731.166(a) of the Board's regulations (35 Ill. Adm. Code 302.203, 302.208(g), 302.212(a), 731.164(a), 731.164(b), 731.164(d), 731.165(b), and 731.166(a)). The People further allege that Babaniotis violated these provisions by causing or allowing soil and groundwater to become contaminated with gasoline released from underground storage tanks and in turn not addressing the contamination, resulting in water pollution and a continuing water pollution hazard. The complaint concerns Babaniotis' former gasoline station, which is located at 101 E. Jefferson Street, in Shorewood, Will County.

On July 24, 2006, the People and Babaniotis 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Babaniotis does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$19,125. Babaniotis also agrees to submit to the Illinois Environmental Protection Agency (Agency) within 60 days of the date of a Board order accepting this proposed settlement a revised Corrective Action Completion Report (CACR) addressing each deficiency in the 2003 CACR as outlined in the Agency's October 22, 2003 letter rejecting that CACR. The proposed settlement also provides for stipulated penalties in the event that Babaniotis fails to complete any activity or fails to comply on a timely basis with the requirements of the revised CACR.

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) (2004); 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 Board adopted the above order on August 4, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board