

ILLINOIS POLLUTION CONTROL BOARD
July 3, 1990

PEOPLE OF THE STATE)
OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 90-85
) (Enforcement)
GEORGE M. ELIOPULOS,)
d/b/a ELLIS CLEANERS,)
an involuntarily dissolve)
partnership,)
)
Respondent.)

APPEARANCE FOR THE COMPLAINANT BY PAMELA CIARROCCHI ASSISTANT
ATTORNEY GENERAL

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon a complaint filed April 27, 1990 and an amended complaint filed on June 7, 1990. The amended complaint specified that the alleged violation was to 35 Ill. Adm. Code 201.144 rather than 201.143. Both the complaint and the amended complaint were filed on behalf of the People of the State of Illinois ("People"), by and through its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against George M. Eliopoulos, d/b/a/ Ellis Cleaners (George M. Eliopoulos) located in Chicago, Illinois. The complaint alleges that George M. Eliopoulos has violated Section 9(b) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, pars. 1001, et seq., and 35 Ill. Adm. Code 201.144 of the Board's rules and regulations.

Hearing on this matter was held June 11, 1990, in Chicago, Illinois. At hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. The Stipulation sets forth facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. George M. Eliopoulos admits to past violations of Section 9(b) of the Act and 35 Ill. Adm. Code 201.144 and agrees to pay a civil penalty of one thousand dollars (\$1,000). George M. Eliopoulos further agrees to cease and desist from the alleged violations.

The transcript of the hearing includes a summary of the stipulation by the People. The summary includes a statement that "[v]iolations were alleged of Section 9 A of the Act." The written stipulation and the complaint both indicate that the alleged violations were to Section 9(b) of the Act. George Eliopoulos was neither present nor represented at hearing. In addition no members of the public were present. The Board finds

the written documents including the signed agreement and complaint are controlling in this situation.

The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180. This Settlement Agreement in no way affects Respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- 1.) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and George M. Eliopoulos, d/b/a/ Ellis Cleaners concerning George M. Eliopoulos's operations located in Chicago, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) George M. Eliopoulos shall pay the sum of one thousand dollars (\$1,000) within 30 days of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

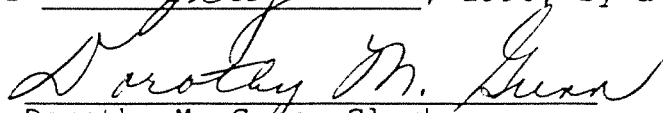
George M. Eliopoulos shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 3rd day of July, 1990, by a vote of 6-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board