

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. ) PCB No.  
 ) (Water – Enforcement)  
 )  
 PETER PANAGIOTARAS, )  
 )  
 )  
 Respondent. )

**NOTICE OF FILING**

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, a copy of which is attached and hereby served upon you.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office, or an attorney.

NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN, Attorney General of the State  
of Illinois

By: s/Evan J. McGinley  
EVAN J. MCGINLEY  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington St., 18th Floor  
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**SERVICE LIST**

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**CERTIFICATE OF SERVICE**

I, Evan J. McGinley, an Assistant Attorney General, certify that on the 17<sup>th</sup> day of February 2017, I caused to be served by Regular U.S. Mail the foregoing Notice of Filing and Complaint to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.

s/ Evan J. McGinley  
Evan J. McGinley  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
312/814-3153

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	PCB No.
vs.	)	(Water – Enforcement)
	)	
PETER PANAGIOTARAS,	)	
	)	
Respondent.	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, *by* LISA MADIGAN, Attorney General of the State of Illinois, complains of the Respondent, PETER PANAGIOTARAS, as follows:

**COUNT I**

**WATER POLLUTION**

1. This count is brought on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion, and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to Section 31 of the Illinois Environmental Protection Act (the "Act").

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2014), and charged, *inter alia*, with the duty of enforcing the Act. The Illinois EPA is further charged with enforcement of the Illinois Pollution Control Board's Water Pollution Regulations ("Board Water Pollution Regulations"), at 35 Ill. Adm. Code Subtitle C, Chapter I.

3. At all times relevant to this Complaint, Respondent, Peter Panagiotaras is referred to in his individual capacity under the laws of the State of Illinois. Respondent, Peter Panagiotaras, lives at 24906 W. Lake Forrest Lane, Shorewood, Illinois, 60431.

4. At all times relevant to this Complaint, Respondent has owned an apartment building which is located at 413 W. Jefferson Street, Gardner, Illinois ("Apartment Building").

5. The Apartment Building is located next to an adjacent, low-lying area which is typically filled with water during the spring and early summer of each year ("Adjacent Property").

6. There is a sanitary sewer lateral that flows from the Apartment Building to a nearby Village of Gardner sanitary sewer line ("Sewer Lateral"). The Sewer Lateral contains a manhole. Respondent owns and is responsible for the Sewer Lateral and the manhole.

7. On a date prior to May 8, 2015, Respondent engaged Popejoy, Inc. ("Popejoy"), to make repairs to the Sewer Lateral.

8. On May 8, 2015, workers from Popejoy were excavating in the vicinity of the manhole, in order to repair and upgrade a portion of the Sewer Lateral. On the afternoon of May 8<sup>th</sup>, approximately 3 inches of rain fell. Due to the excessive rainfall, Popejoy's workers were forced to stop their work on the Sewer Lateral and manhole. Popejoy's workers failed to cover the area where they were working on the Sewer Lateral and the manhole, leaving it exposed to the rainfall.

9. On May 8, 2015, as a consequence of the extreme rainfall of that same date, raw sewage began to back up into the Apartment Building.

10. On or about May 9, 2015, Respondent began pumping out sewage and water from the Sewer Lateral onto the Adjacent Property.

11. On or about May 12, 2015, Illinois EPA conducted an inspection of the area in the vicinity of the Sewer Lateral and the Adjacent Property, at which time it was observed that the raw sewage residue remained on the ground on and about the Adjacent Property.

12. At the time that the Respondent discharged sewage and water from the Sewer Lateral onto the Adjacent Property, standing water was present on the Adjacent Property.

13. Section 12(a) of the Act, 415 ILCS 5/12(a) (2014), provides as follows:

No person shall:

Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

14. Section 3.315 of the Act, 415 ILCS 5/3.315 (2014), provides the following definition:

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

15. Respondent is a "Person," as the term is defined in Section 3.335 of the Act, 415 ILCS 5/3.315 (2014).

16. Section 3.165 of the Act, 415 ILCS 5/3.165 (2014), provides the following definition:

"Contaminant" is any solid, liquid or gaseous matter, an odor or any form of energy, from whatever source.

17. The untreated sewage and water which Respondent discharged from the Sewer Lateral onto the Adjacent Property was a “contaminant,” as the term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2014).

18. Section 3.550 of the Act, 415 ILCS 5/3.550 (2014), contains the following definition:

“Waters” means all accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

19. The standing water on the Adjacent Property, as well as the ground water beneath the Adjacent Property, are each “waters” as the term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2014).

20. Section 3.545 of the Act, 415 ILCS 5/3.545 (2014), provides the following definition:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish or other aquatic life.

21. Respondent’s release of untreated sewage and water from the Sewer Lateral onto the Adjacent Property which created a nuisance or was harmful or detrimental or injurious to public health, safety or welfare, resulted in “water pollution,” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2014).

22. By discharging untreated sewage and waters into waters of the State, as alleged herein, Respondent caused or allowed water pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, PETER PANAGIOTARAS:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding the Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2014);
3. Ordering Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 12(a) (2014);
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and regulations promulgated thereunder, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which each violation alleged herein continues; and,
5. Granting such other relief as the Board may deem appropriate.

## COUNT II

### SANITARY SEWER OVERFLOW

1-18 Complainant realleges and incorporates by reference herein Paragraphs 1 through 18 of Count I as Paragraphs 1 through 18 of this Count II.

19. Section 306.304 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.304, provides as follows:



Overflows from sanitary sewers are expressly prohibited.

20. Respondent's discharge of untreated sewage and water from the Sanitary Lateral onto the Adjacent Property constituted a prohibited overflow, in violation of Section 306.304 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.304

21. By violating Section 306.403 of the Board Water Pollution Regulations, 35 Ill Adm. Code 306.304, Respondent thereby also violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, PETER PANAGIOTARAS:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

2. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(f) (2014), and Section 306.304 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.304;

3. Ordering Respondent to take immediate corrective action which will result in a final and permanent abatement of the violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2014), and Section 306.304 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 306.304;

4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and regulations promulgated thereunder, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which each violation alleged herein continues; and,

5. Granting such other relief as the Board may deem appropriate.

**COUNT III**

**CREATION OF A WATER POLLUTION HAZARD**

1-19. Complainant realleges and incorporates by reference herein Paragraphs 1 through 11 and 13 through 20 of Count I as Paragraphs 1 through 19 of this Count III.

20. Section 12(d) of the Act, 415 ILCS 5/12(d) (2014), provides as follows:

No person shall:

Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

21. Respondent, by depositing sewage from the Sewer Lateral onto the Adjacent Property, thereby caused the deposition of contaminants upon the land in such a place and manner so as to create a water pollution hazard.

22. By depositing contaminants upon the land so as to create a water pollution hazard, Respondent thereby violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2014).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, PETER PANAGIOTARAS:

1. Authorizing a hearing in this matter at which point the Respondent will be required to answer all allegations herein;

2. Finding that the Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2014);

3. Ordering Respondent to cease and desist from any further violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2014);


4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars

(\$50,000.00) for each violation of the Act and regulations promulgated thereunder, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which each violation alleged herein continues; and,

5. Granting such other relief as the Board may deem appropriate.

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN, Attorney  
General of the State of Illinois,

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

By:   
ELIZABETH WALLACE, Chief  
Environmental Bureau  
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OF COUNSEL:  
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