## ILLINOIS POLLUTION CONTROL BOARD March 23, 2017

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
v. PETER PANAGIOTARIS,		PCB 17-47
		(Enforcement - Water)
	)	(Emoreement - water)
	)	
Respondent.	)	

ORDER OF THE BOARD (by C.M. Santos):

On February 17, 2017, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Peter Panagiotaras (respondent). The complaint concerns respondent's residential apartment building located at 413 W. Jefferson Street, in Gardner, Grundy County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2014)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 12(a) and 12(d) of the Act, and Section 306.304 of the Board's water pollution regulations by:

- <u>Count I:</u> Discharging untreated sewage and water into waters of the State;
- <u>Count II</u>: Discharging untreated sewage and water that constitutes a prohibited overflow from a sanitary sewer; and
- <u>Count III</u>: Depositing contaminants upon the land in such place and manner so as to create a water pollution hazard. 415 ILCS 5/12(a), 12(d) (2014); 35 III. Adm. Code 306.304.

On March 20, 2017, the People and respondent 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) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondent neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$5,000.

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. *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, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 23, 2017, by a vote of 5-0.

Don a. Brown

Don A. Brown, Assistant Clerk Illinois Pollution Control Board