ILLINOIS POLLUTION CONTROL BOARD November 18, 1999

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 99-45
)	(Enforcement - Water)
PATRICK M. SULLIVAN, an individual,)	
and NICK SCARLATIS, an individual,)	
)	
Respondents.)	

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

On September 17, 1999, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The amended complaint alleged that respondent violated Section 12(b) of the Environmental Protection Act (Act) (415 ILCS 5/12(b) (1998)) and 35 Ill. Adm. Code 309.202(a) by constructing a sanitary sewer system without a permit.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in the *Daily Southtown* on October 10, 1999. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondents admit the allegad violations and agrees to pay a civil penalty of \$5,000. Respondents must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's 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, Patrick M. Sullivan, and Nick Scarlatis concerning a facility located at 130th Street and 86th Avenue in Palos Township, Cook County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.

- 2. Respondents shall pay the sum of total \$5,000 concluding no later than March 31, 2001. Payment shall be made pursuant to the following schedule:
 - a. \$1,000 within 30 days from the date of this final Board order approving the parties' stipulation and proposal for settlement; and
 - b. Four subsequent payments of \$1,000 each shall be due by the end of the fourth, eighth, twelfth, and sixteenth month following the date of this final Board order approving the parties' stipulation and proposal for settlement.

Such payments 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. The case number, case name, and respondents' social security numbers shall also be included on the checks (or money orders) and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.

3. The checks (or money orders) shall be sent by first class mail to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

Copies of the payment transmittals and checks shall be simultaneously submitted to:

RoseMarie Cazeau, Chief Assistant Attorney General Environmental Bureau 100 West Randolph Street - 11th Floor Chicago, Illinois 60601

- 4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
- 5. Respondents shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establish such filing requirements. See 172 Ill. 2d R. 335; see also Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 18th day of November 1999 by a vote of 6-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board

Dorothy Dr. Guns