

ILLINOIS POLLUTION CONTROL BOARD
August 27, 2020

COUNTY OF LASALLE,)
)
Complainant,)
)
v.) AC 20-07
) (Administrative Citation)
CAROLYN E. KEDZIERSKI, TRUSTEE OF)
THE CAROLYN E. KEDZIEWSKI TRUST)
DATED 1/28/2008,)
)
Respondent.)

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

On July 14, 2020, the County of LaSalle (County) timely filed an administrative citation against Carolyn E. Kedzierski, Trustee of the Carolyn E. Kedzierski Trust Dated 1/28/2008 (Kedzierski). The administrative citation concerns Kedzierski’s property located at 3875 E. 2609th Road in Sheridan, LaSalle County. The property is commonly known to the Illinois Environmental Protection Agency (IEPA) as the “Kedzierski Property” site and is designated with Site Code No. 0998215023. For the reasons below, the Board finds that Kedzierski violated the Environmental Protection Act (Act) (415 ILCS 5 (2018)) and orders Kedzierski to pay \$3,000 in civil penalties.

Under the Act, an administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations may be filed only by the IEPA or, if IEPA has delegated the authority, by a unit of local government, and only for limited types of alleged violations. *See* 415 ILCS 5/21(o), 21(p), 22.51, 22.51a, 31.1(c), 42(b)(4), 42(b)(4-5), 55(k) (2018); 35 Ill. Adm. Code 108.

In this case, the County alleges that on June 5, 2020, Kedzierski violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2018)) by causing or allowing the open dumping of waste resulting in litter and open burning. The County asks the Board to impose the statutory \$1,500 civil penalty per violation on Kedzierski, for a total civil penalty of \$3,000. As required, the County served Kedzierski with the administrative citation on July 16, 2020, which is within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2018); *see also* 35 Ill. Adm. Code 101.300(c), 108.200(b)(1).

To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violations alleged and impose the corresponding civil penalty. *See* 415 ILCS 31.1(d)(1) (2018); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Here, any petition for review was due by August 20, 2020. Kedzierski

failed to timely file a petition. Accordingly, the Board finds that Kedzierski violated Sections 21(p)(1) and (p)(3) of the Act.

The civil penalty for violating any provision of Section 21(p) is \$1,500 for each violation, except that the penalty amount is \$3,000 for each violation that is the person's second or subsequent adjudicated violation of that provision. *See* 415 ILCS 5/42(b)(4-5)] (2018); 35 Ill. Adm. Code 108.500(a). Because there are two violations of Section 21(p) and there is no indication in the record that either of these is a second or subsequent adjudicated violation, the total civil penalty is \$3,000. Under Section 31.1(d)(1) of the Act, the Board attaches the administrative citation and makes it part of the order below.

This opinion constitutes the Board's finding of fact and conclusions of law.

ORDER

1. The Board finds that Carolyn E. Kedzierski, Trustee of the Carolyn E. Kedzierski Trust Dated 1/28/2008 violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2018)).
2. Kedzierski must pay a civil penalty of \$3,000 no later than Monday, October 5, 2020, which is the first business day following the 30th day after the date of this order. Kedzierski must pay the civil penalty by certified check or money order, made payable in two equal amounts, one to the Illinois Environmental Protection Trust Fund and one to the LaSalle County Treasurer. The case number, case name, and Kedzierski's social security number or federal employer identification number must be included on the certified check or money order.
3. Kedzierski must send the certified check or money order and the remittance form to each of the following addresses:

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

LaSalle County Department of Environmental Services and Land Use
 119 West Madison Street
 Room 107
 Ottawa, Illinois 61350
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2018)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2018)).

5. Payment of this penalty does not prevent future prosecution if the violations continue.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2018); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
LaSalle County State's Attorney Office Attn: Mark Anderson, Special Assistant State's Attorney 707 Etna Road Room 251 Ottawa, IL 61350	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 don.brown@illinois.gov
Carolyn E. Kedzierski 3875 E 2609th Rd. Sheridan, IL 60551	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 27, 2020, by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board