

ILLINOIS POLLUTION CONTROL BOARD
May 15, 2025

MAREK KRUK,)	
)	
Complainant,)	
)	PCB 20-10
v.)	(Citizens Enforcement - Water)
)	
NEW TRIER HIGH SCHOOL,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Van Wie):

On August 23, 2019, Marek Kruk (Mr. Kruk or Complainant) filed a *pro se* citizen's complaint (Comp.) against New Trier High School (New Trier or Respondent). The complaint alleges that New Trier violated Sections 901.102(a) and (b) of the Board's Noise Regulations by emitting excessive sounds from the dust collector used for its wood shop and other equipment at New Trier to Mr. Kruk's nearby home. *See* 35 Ill. Adm. Code 901.102(a), (b). According to the complaint, the dust collector was added to a new service dock at the high school.

On December 21, 2023, Complainant filed an unsigned "Stipulation and Settlement Agreement". On January 8, 2024, Respondent filed an unsigned "Proposed Settlement and Stipulation Agreement Draft" with attached exhibits. On January 22, 2024, the assigned Board hearing officer issued an order that noted there were disagreements in the documents filed by the parties and informed the parties that the Board does not usually accept stipulations where there are disagreements. In subsequent hearing officer orders, the parties continued to indicate they were negotiating a draft settlement agreement. *See generally*, PCB 20-10.

On November 4, 2024, the parties filed a signed stipulation and settlement agreement (Stip.).¹ Attached to the stipulation and proposed settlement was a noise report prepared by Shiner Acoustics, LLC, dated October 10, 2023 (Exhibit A), a noise report prepared by Shiner Acoustics, LLC, dated August 15, 2018 (Exhibit B), and an undated and unsigned "Agreed Dismissal Order" amongst the parties (Exhibit C). The filing did not include a request for relief from the hearing requirement of Section 31(c)(1) of the Illinois Environmental Protection Act (415 ILCS 5) (Act). *See* 415 ILCS 5/31(c)(1) (2022); *see also* 415 ILCS 5/31(d)(2) (2022). Under the proposed stipulation, the parties assert competing facts, but agree to limitations on the operation of the dust collector.

Generally, unless the Board determines that a hearing is needed, the Board will review a stipulation, proposed settlement, and request for relief from the hearing requirement filed in a citizen's enforcement action. *See generally* 35 Ill. Adm. Code 103.301; 415 ILCS 5/31(d)(2)

¹ The parties previously filed this settlement agreement on November 1, 2024, but the November 1 filing did not contain the Notice of Filing and Certificate of Service.

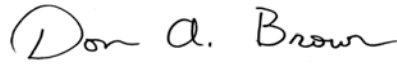
(2022); *see also* People v. Waste Management, PCB 11-14, slip op. at 2 (Oct. 7, 2010). The stipulation and proposed settlement agreement must also conform to the statement required for settlement submissions at hearing in Section 103.302 of the Board's rules. 35 Ill. Adm. Code 103.301(a).

In this case, however, the Board will not consider disposing of or modifying the proceeding at this time because the stipulation contains discrepancies from the complaint and does not conform to the statement required for settlement submissions by Section 103.302. The stipulation does not include a full stipulation of all material facts pertaining to the nature, extent, and causes of the alleged violations proposed to be settled, or the nature of the relevant parties' operations of the allegedly polluting equipment. 35 Ill. Adm. Code 103.302(a), (b). The stipulation includes recitals of certain assertions and reservations of rights, but these recitals do not fully set forth all material facts pertaining to the alleged violations proposed to be settled, and refer to additional violations "not contemplated by the Illinois Administrative Code" and "not cited in the complaint". *See* Stip. at 1. Further, the statement of "Facts and Circumstances" in the stipulation contains disagreements about the alleged violations of the complaint, including the character and degree of the interference caused by the dust collector and other equipment (e.g., contradictory assertions about the compliance of the noise reports with the Board's Noise Regulations), the social and economic value of the dust collector and other equipment, the suitability of the new service dock to the area in which it is located, the technical practicability and economic reasonableness of reducing or eliminating the noise emissions, and New Trier's demonstrated and subsequent compliance with the noise regulations that are the subject of the complaint. *See id.* at 2-3; 35 Ill. Adm. Code 103.302(c), (d). Finally, the parties did not include a request for relief from the hearing requirement of Section 31(c)(1) of the Act with their stipulation and proposed settlement. *See* 415 ILCS 5/31(d)(2) (2022); 35 Ill. Adm. Code 103.301(a). These discrepancies must be addressed, and the stipulation and settlement must conform with the Act and the Board's rules, before the Board will consider disposing of or modifying this proceeding. 35 Ill. Adm. Code 103.302.

Considering the discrepancies and insufficiencies in the stipulation and proposed settlement, the Board directs Mr. Kruk and New Trier to file an amended stipulation and proposed settlement, and request for relief from the hearing requirement, that complies with the Act and Board rules within 21 days. *See* People v. Waste Management, PCB 11-14, slip op. at 2 (Oct. 7, 2010); People v. Swinson, PCB 10-08, slip op. at 2 (June 17, 2010); 415 ILCS 5/31(d)(2) (2022); 35 Ill. Adm. Code 103.301, 103.302. If the parties do not file by that time or if a non-compliant stipulation is filed, the parties will be directed to hearing to address the disagreements in the proposed stipulation and settlement. *See* 415 ILCS 5/31(d)(2) (2022); 35 Ill. Adm. Code 103.301(b), 103.304.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 15, 2025, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board