

ILLINOIS POLLUTION CONTROL BOARD

July 24, 2025

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

OPINION AND ORDER OF THE BOARD (by M.D. Mankowski):

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) alleging noise violations caused by equipment at New Trier, primarily its dust collector. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2024)), any person may bring an action before the Board to enforce Illinois' environmental requirements. *See* 415 ILCS 5/3.315, 31(d)(1) (2024); 35 Ill. Adm. Code 103. In this case, Mr. Kruk 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 November 4, 2024, the parties filed a signed stipulation and settlement agreement.¹ On May 15, 2025, the Board issued an order that identified deficiencies in the proposed stipulation and settlement, including that the filing lacked a request for relief from the hearing requirement, and directed the parties to file a corrected stipulation and settlement that complied with the Act and Board rules within 21 days.² *See Kruk v. New Trier High School*, PCB 20-10 (May 15, 2025).

On July 9, 2025, the parties 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) (2024)). This filing is authorized by Section 31(d)(2) of the Act (415 ILCS 5/31(d)(2) (2024)), which provides that the parties to a complaint filed by persons other than the Attorney

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

² This deadline was extended by the hearing officer at the parties' request. *See generally*, PCB 20-10.

General or the State's Attorney may file a proposal for settlement accompanied by request for relief from the hearing requirement of Section 31(c)(1). *See* 35 Ill. Adm. Code 103.301(a). Unless the Board, in its discretion, concludes that a hearing should be held, no hearing on the stipulation and proposal for settlement is required. 35 Ill. Adm. Code 103.301(b); *see also* 415 ILCS 5/31(d)(2) (2024). The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(d)(2) (2024); 35 Ill. Adm. Code 103.301(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of New Trier's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2024)), which bears on the reasonableness of the circumstances surrounding the alleged violations. New Trier does not affirmatively admit liability for the alleged violations and agrees to not operate the dust collector in violation of the Board's applicable noise standards, including taking prompt and timely reasonable steps to correct any future violations. *Stip.* at 4. The stipulation does not include a proposed penalty. *See* 415 ILCS 5/42(h) (2024). The parties have addressed the insufficiencies described in the Board's May 15, 2025 order and have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

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

ORDER

The Board accepts and incorporates by reference the stipulation and proposed settlement.

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) (2024); *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
Marek Kruk 124 Woodland Avenue Winnetka, IL 60093 MarekKruk@hotmail.com	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren St., Suite 630 Chicago, Illinois 60605 Don.Brown@illinois.gov
New Trier High School c/o Robbins Schwartz Nichols Lifton and Taylor LTD Attn: Kenneth M. Florey Attn: Margaret L. MacNair 55 W. Monroe Suite 800 Chicago, IL 60603 kflorey@robbins-schwartz.com mmacnair@robbins-schwartz.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 24, 2025, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board