

ILLINOIS POLLUTION CONTROL BOARD
December 6, 2001

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 02-16
)	(IEPA No. 423-01-AC)
BRAD KRSTIC,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by R.C. Flemal):

On October 22, 2001, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Brad Krstic (Krstic), owner and operator of a facility located at 240th and Route 17 in Aledo, Mercer County. *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The Agency alleges that Krstic violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act. 415 ILCS 5/21(p)(1), (p)(3) (2000). The Agency further alleges that Krstic violated these provisions by causing or allowing the open dumping of waste in a manner resulting in litter and open burning.

As required, the Agency served the administrative citation on Krstic within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2000); *see also* 35 Ill. Adm. Code 108.202(b). On November 26, 2001, Krstic timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2000); 35 Ill. Adm. Code 108.204(b). Krstic alleges that he was not engaged in open dumping, and did not permit litter, but was engaged in the removal of accumulated junk, tires, and debris pursuant to a Mercer County court order. *See* 35 Ill. Adm. Code 108.206. The Board accepts the petition for hearing.

The Board directs the hearing officer to proceed expeditiously to hearing. The hearing officer will give the parties at least 21 days written notice of the hearing. 35 Ill. Adm. Code 108.300; *see also* 415 ILCS 5/31.1(d)(2) (2000). By contesting the administrative citation, Krstic may have to pay the hearing costs of the Board and the Agency. *See* 415 ILCS 5/42(b)(4-5) (2000); 35 Ill. Adm. Code 108.500. A schedule of the Board’s hearing costs is available at the Board’s offices and on the Board’s Web site at www.ipcb.state.il.us. 35 Ill. Adm. Code 504.

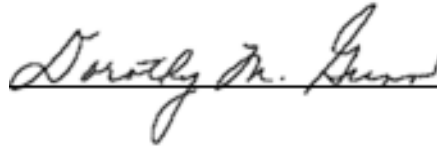
Krstic may withdraw his petition to contest the administrative citation at any time before the Board enters its final decision. If Krstic chooses to withdraw his petition, he must do so in writing, unless he does so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If Krstic withdraws his petition after the hearing starts, the Board will require Krstic to pay the hearing costs of the Board and the Agency. *See id.* at 108.500(c).

The Agency has the burden of proof at hearing. *See* 415 ILCS 5/31.1(d)(2) (2000); 35 Ill. Adm. Code 108.400. If the Board finds that Krstic violated Sections 21(p)(1) and (p)(3) of the

Act, the Board will impose civil penalties on Krstic. The civil penalty for violating Section 21(p) is \$1,500 for a first offense and \$3,000 for a second or subsequent offense. 415 ILCS 5/42(b)(4-5) (2000); 35 Ill. Adm. Code 108.500. However, if the Board finds that Krstic “has shown that the violation resulted from uncontrollable circumstances, the Board shall adopt a final order which makes no finding of violation and which imposes no penalty.” 415 ILCS 5/31.1(d)(2) (2000); *see also* 35 Ill. Adm. Code 108.500(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 6, 2001 by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board