

ILLINOIS POLLUTION CONTROL BOARD  
July 27, 1989

COUNTY OF DUPAGE, )  
 )  
 Complainant, )  
 )  
 v. ) AC 89-128  
 ) (Case No. 89 C D 205)  
 SAL and DAWN KRUZINSKI, )  
 )  
 Respondents. )

ORDER OF THE BOARD:

This matter comes before the Board upon a June 15, 1989 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of DuPage. A copy of that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon Sal and Dawn Kruzinski on June 12, 1989. The County of DuPage alleges that Sal and Dawn Kruzinski has violated Section 21(q)(1) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

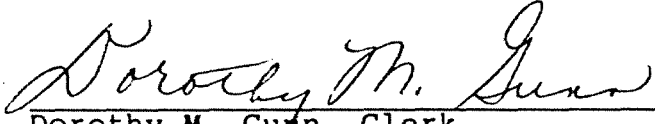
Sal and Dawn Kruzinski has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Sal and Dawn Kruzinski has violated the provision alleged in the Administrative Citation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

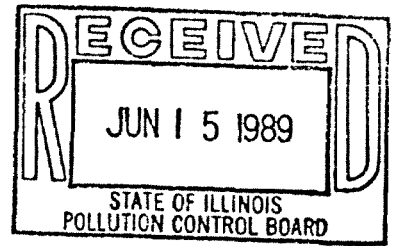
It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Sal and Dawn Kruzinski shall, by certified check or money order payable to the County of DuPage, pay a penalty in the amount of \$500.00 which is to be sent to:

Steven K. Dunn  
Environmental Control Manager  
DuPage County Department of Environmental Concerns  
421 North County Farm Road  
Wheaton, Illinois 60187

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 27<sup>th</sup> day of July, 1989, by a vote of 6-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board



STATE OF ILLINOIS  
COUNTY OF DUPAGE

ADMINISTRATIVE CITATION

PEOPLE OF THE STATE OF ILLINOIS	)	
	)	
PETITIONER,	)	
	)	89 C D 205
v.	)	
	)	
SAL KRUZINSKI	)	
and	)	
DAWN KRUZINSKI,	)	AC Docket No. <u>89-128</u>
	)	
RESPONDENTS.	)	
_____	)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1031.1.), and delegated to DuPage County pursuant to Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1004(r).

FACTS

1. That Respondents, Sal Kruzinski and Dawn Kruzinski, are the present owners of the property located at 109th and Lemont Road, in the County of DuPage, State of Illinois.

2. That said property is a residence, with a stormwater ravine located at the southwest corner of the property, and said site is designated with Site Code No. 0430000000. Said site is commonly known to the Agency as the property of Sal and Dawn Kruzinski.

3. That Respondent has owned said property at all times pertinent hereto.

4. On April 10, 1989, a drainage complaint was filed with the DuPage County Department of Environmental Concerns, identified as Drainage Complaint Number 89-10-038-5, attached hereto and made a part hereof.

5. That on April 11, 1989, Keith Trychta, of the County of DuPage, in response to DuPage County Drainage Complaint Number 89-10-038-5, inspected the above-described property. A copy of the Inspection Report setting forth the results of such inspection is attached hereto and made a part hereof.

#### VIOLATIONS

On the basis of direct observations of Keith Trychta, the County of DuPage has determined that Respondent was conducting open dumping on the above-described property, in a manner which resulted in the following conditions:

- 1) Littering in violation of Ill. Rev. Stat. (1985), Ch. 111 1/2, Par. 1021(q)(1).

#### CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1042(b)(4), Respondents herein are subject to a civil penalty of Five Hundred Dollars (\$500.00)

for the violation specified above in Paragraph (1). Additionally, should you elect to petition the Illinois Pollution Control Board under the review process described hereinbelow, and if there is a finding of the violation alleged herein, after an adjudicatory hearing, you shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty for the finding of violation.

If you acknowledge the violation cited hereinabove, the civil penalty specified above shall be due and payable no later than July 17, 1989. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your check should be made payable to The County of DuPage and mailed to The DuPage County Department of Environmental Concerns, Attention: Steven K. Dunn, Environmental Control Manager, 421 North County Farm Road, Wheaton, Illinois 60187.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall

take into consideration such failure to pay during any permit review process upon your application for a new permit or for renewal of an existing permit. Furthermore, if payment is not received when due, the DuPage County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and hearing costs of the Illinois Pollution Control Board, if any, the State's Attorney's office will seek to recover its costs of litigation.

PROCEDURE FOR CONTESTING THIS


ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See, Public Act 84-1320 (Ill.Rev.Stat. 1986, Supp., ch. 111 1/2, par. 1031.1). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the DuPage County State's Attorney, attention: Gretta Tameling, at 207 South Reber Street, Wheaton, Illinois 60187.

Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, on or before July 17, 1989, or a default judgment shall be entered by the Pollution Control Board. The Petition for Review may be filed with the Clerk

of the Illinois Pollution Control Board at the State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601; and, a copy of said Petition for Review filed with the State's Attorney at 207 South Reber Street, Wheaton, Illinois 60187.

Date: 6/12/89

  
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GRETTA A. TAMELANG,  
Assistant State's Attorney