

ILLINOIS POLLUTION CONTROL BOARD  
August 8, 2002

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

MICHELLE M. RYAN, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
APPEARED ON BEHALF OF COMPLAINANT; and

MARK A. APPLETON, ESQUIRE, APPEARED ON BEHALF OF THE RESPONDENT

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

On June 6, 2002, the Board entered an interim opinion and order finding that Brad Krstic (Krstic) violated Sections 21(p)(3) of the Environmental Protection Act (Act). 415 ILCS 5/21(p)(3) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002. The Board found that the Illinois Environmental Protection Agency (Agency) and the Board were entitled to hearing costs under section 42(b)(4-5) of the Act. 415 ILCS 5/42(b)(4-5) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002. The Board directed the Agency and the Clerk of the Board to file affidavits of costs with the Board and to serve the affidavits upon Krstic. The Board granted Krstic 14 days from the date of his receipt of the affidavits to file a response.

On June 12, 2002, the Clerk of the Board filed an affidavit stating that the Board's hearing costs were \$467, and served Krstic with the affidavit on the same date by first class-mail. On June 20, 2002, the Agency filed a sworn statement of hearing costs with the Board seeking \$140.40 in costs, and served Krstic with the statement on the same date by first-class mail. Krstic did not respond to either the Clerk's affidavit or the Agency's statement of hearing costs.

Accordingly, the Board orders Krstic to pay the statutory penalty of \$1,500 for violating Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (2000)) *amended by* P.A. 92-0574, eff. June 26, 2002, and to pay Board and Agency hearing costs in the amount of \$467 and \$140.40 respectively. Pursuant to Section 31.1(d)(2) of the Act (415 ILCS 5/31.1(d)(1) (2000)) *amended by* P.A. 92-0574, eff. June 26, 2002, the Board will attach the administrative citation and make it part of the order below.

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

**ORDER**

1. The Board finds that the respondent, Brad Krstic (Krstic), violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2000)) *amended by P.A. 92-0574*, eff. June 26, 2002, and assesses Krstic the statutory penalty of \$1,500 for the violations. The Board's June 6, 2002 interim opinion and order is incorporated herein in its entirety.
2. Krstic must pay the \$1,500 penalty within 35 days of the date of this order. For this penalty, Krstic must make a certified check or money order payable to the Environmental Protection Trust Fund in the amount of \$1,500. Krstic must send the certified check or money order by first-class mail to:

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

Krstic must include the remittance form from the administrative citation and write the case name and number and his social security number on the certified check or money order.

3. Within 35 days of the date of this order, Krstic must reimburse the Board for hearing costs in the amount of \$467 by certified check or money order made payable to the General Revenue Fund. Krstic must send the payment by first-class mail to:

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

Krstic must write the case name and number and his social security number on the certified check or money order.

4. Within 35 days of the date of this order, Krstic must reimburse the Agency for hearing costs in the amount of \$140.40 by certified check or money order made payable to the Environmental Protection Trust Fund. Krstic must send the payment by first-class mail to:

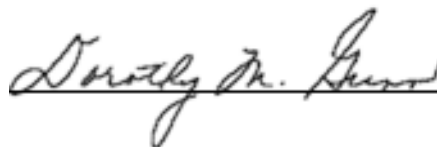
Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

5. Penalties unpaid after the due date will accrue interest pursuant to Section 42(g) of the Act. 415 ILCS 5/42(g) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002)
6. Payment of this penalty does not prevent future prosecution if either violation continues.

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) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; *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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 8, 2002, by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board