

ILLINOIS POLLUTION CONTROL BOARD
March 23, 2017

MACON COUNTY ENVIRONMENTAL)
MANAGEMENT DEPT.,)
)
Complainant,)
)
v.) AC 17-9
) (Administrative Citation)
SCOTT HASSLER,)
)
Respondent.)

ORDER OF THE BOARD (by C.K. Zalewski):

On January 10, 2017, the Macon County Environmental Management Department (Macon County) timely filed an administrative citation against Scott Hassler (Hassler). The administrative citation concerns property located at 2153 E. Hampshire Road in Maroa, Macon County. Hassler did not file a petition to contest the citation. Therefore, on March 2, 2017, the Board found that Hassler violated the Environmental Protection Act as alleged and ordered Hassler to pay the statutory \$4,500 civil penalty. 415 ILCS 5 (2014).

On March 9, 2017, the parties filed a joint motion to vacate (Mot.) the Board’s March 2, 2017 order, along with a stipulation to dismiss (Stip.). In the motion, the parties state that they settled before March 2, 2017 and that Hassler made “the agreed upon payment on February 24, 2017” to Macon County. Mot. at 1. The motion continues, “[t]he interests of justice require that the Opinion and Order of March 2, 2017 be vacated.” *Id.* The stipulation requests that the Board dismiss Macon County’s administrative citation with prejudice. Stip. at 1.

The Board recognizes that the law encourages settlements. Chemetco, Inc. v. PCB, 140 Ill. App. 3d 283, 288 (5th Dist. 1986). To effectuate the parties’ good faith negotiations to settle this case, the Board grants the request to dismiss the administrative citation and the joint motion to vacate. The Board therefore vacates the March 2, 2017 opinion and order directing Hassler to pay a \$4,500 civil penalty, dismisses the citation, and closes the docket.

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) (2014); *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, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 23, 2017, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don A. Brown, Assistant Clerk
Illinois Pollution Control Board