

4. That an appointment was made with Kaare Jacobsen of the Illinois EPA and on December 6, 2004 a meeting took place between James A. Haas, Jr., Kaare Jacobsen and Joseph E. Nack at the site. At that time part of the site was found to be compliant, but there was additional work to be done. That Respondent was granted until December 16, 2004 to remove the remaining debris, a copy of that letter and findings are attached hereto as Exhibit "A".

5. That on December 16, 2004 a second meeting took place at the site at which time Kaare Jacobsen was present and inspected the site and found it to be compliant and no longer in violation of the Act, a copy of that letter and findings are attached hereto as Exhibit "B".

6. That Respondent complied with the agreement that had been reached between the parties' attorneys.


7. That Respondent had filed a Petition for Review dated November 30, 2004 and mailed via certified mail on the same date. Pursuant to 35 Ill. Adm. Code 101.300, the filing deadline was November 29th, because November 26, 2004 was a State Holiday (day after Thanksgiving). Therefore, this Petition for Review was filed one day late. The reason for the late filing was due to an emergency in the Respondent's attorney's family that prohibited the filing going out on November 29th.

8. The default order entered December 16, 2004 prevents Illinois EPA from effectuating the settlement agreement between the parties.

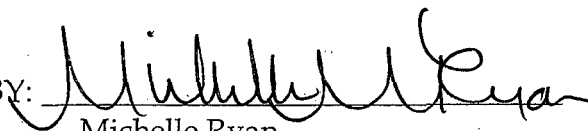
THEREFORE, the parties jointly request that the Board vacate the December 16, 2004 default order.

JAMES A. HAAS, JR., Respondent

BY: NACK, RICHARDSON & NACK, P.C.,
His Attorneys

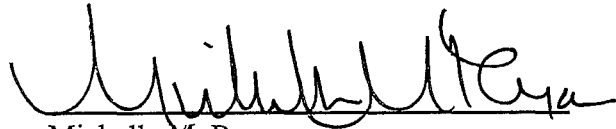
BY: 
Joseph E. Nack

ILLINOIS EPA

BY: 
Michelle Ryan
Special Assistant Attorney General

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument entitled JOINT MOTION TO VACATE BOARD ORDER are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: January 13, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Joint Motion to Vacate Board Order by mailing, via certified mail, a copy of the same this 14 day of January, A. D. 2005, to:

Clerk of Illinois Pollution
Control Board
State of Illinois
100 West Randolph
Suite 11-500
Chicago, IL 60601

Illinois EPA
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276



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