

ILLINOIS POLLUTION CONTROL BOARD
March 2, 2017

MACON COUNTY ENVIRONMENTAL)	
MANAGEMENT DEPT.,)	
)	
Complainant,)	
)	
v.)	AC 17-9
)	(MCEMD No. 2017-002)
SCOTT HASSLER,)	(Administrative Citation)
)	
Respondent.)	

OPINION AND 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 Hassler’s property located at 2153 E. Hampshire Road in Maroa, Macon County. The property is commonly known to the Illinois Environmental Protection Agency (Agency) as the “Maroa Twp/Hassler” site and is designated with Site Code No. 1150305018. For the reasons below, the Board finds that Hassler violated the Environmental Protection Act (Act) and orders Hassler to pay \$4,500 in civil penalties. 415 ILCS 5 (2014).

An administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations may be filed only by the Agency or, if the Agency has delegated the authority, by a unit of local government, and only for limited types of alleged violations. *See* 415 ILCS 5/21(o), 21(p), 22.51, 22.51a, 31.1(c), 42(b)(4), 42(b)(4-5), 55(k) (2014); 35 Ill. Adm. Code 108.

In this case, Macon County alleges that on December 16, 2016, Hassler violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act by causing or allowing: open dumping of waste in a manner resulting in litter, open burning, and the deposition of general construction or demolition debris. 415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2014). Macon County asks the Board to impose the statutory \$1,500 civil penalty per violation on Hassler, for a total civil penalty of \$4,500. As required, Macon County served Hassler with the administrative citation on January 12, 2017, within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2014); 35 Ill. Adm. Code 101.300(c), 108.202(b).

To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violations alleged and impose the corresponding civil penalty. *See* 415 ILCS 31.1(d)(1) (2014); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Here, any petition for review was due by February 16, 2017. Hassler failed to file a petition. Accordingly, the Board finds that Hassler violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act.

The civil penalty for violating any provision of Section 21(p) is \$1,500 for each violation, except that the penalty amount is \$3,000 for each violation that is the person's second or subsequent adjudicated violation of that provision. *See* 415 ILCS 5/42(b)(4) (2014); 35 Ill. Adm. Code 108.500(a). Because there are three violations of Section 21(p) and no indication in the record that any of these is a second or subsequent adjudicated violation, the total civil penalty is \$4,500. Under Section 31.1(d)(1) of the Act, the Board attaches the administrative citation and makes it part of the order below.

This opinion constitutes the Board's finding of fact and conclusions of law.

ORDER

1. The Board finds that Scott Hassler (Hassler) violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act. 415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2014).
2. Hassler must pay a civil penalty of \$4,500 no later than April 3, 2017, which is the first business day following the 30th day after the date of this order. Hassler must pay the civil penalty by certified check or money order, made payable in equal amounts (\$2,250) to Macon County Environmental Management Department and the Illinois Environmental Protection Trust Fund. The case number, case name, and Hassler's social security number or federal employer identification number must be included on each certified check or money order.
3. Hassler must send one certified check or money order and the remittance form to both:

Attn: Debra Hughes-Garrett
Macon County Environmental Management Department
141 South Main Street, Room 408
Decatur, Illinois 62523

Attn: Fiscal Services Division
Illinois Environmental Protection Trust Fund
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act at the rate set forth in Section 1003(a) of the Illinois Income Tax Act. 415 ILCS 5/42(g) (2014); 35 ILCS 5/1003(a) (2014).
5. Payment of this penalty does not prevent future prosecution if the violations continue.

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 opinion and order on March 2, 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, flowing style.

Don A. Brown, Assistant Clerk
Illinois Pollution Control Board