

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2020-
	)	
v.	)	(IEPA No. 131-19-AC)
	)	
SAMMY J. SHAFER, TAMMY J. SHAFER,	)	
AND S. SHAFER EXCAVATING INC.	)	
	)	
	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

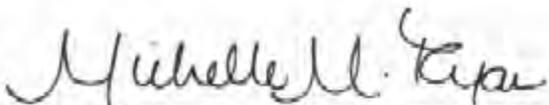
To: Sammy J. Shafer  
14 Sycamore Drive  
Caseyville, IL 62232

Tammy J. Shafer  
14 Sycamore Drive  
Caseyville, IL 62232

S. Shafer Excavating Inc.  
4212 Sam's Road  
Pontoon Beach, IL 62040

PLEASE TAKE NOTICE that on this date I electronically filed with the Clerk of the  
Pollution Control Board of the State of Illinois the following instrument(s) entitled  
ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan  
Assistant Counsel

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

Dated: October 1, 2019

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2020-
	)	
v.	)	(IEPA No. 131-19-AC)
	)	
SAMMY J. SHAFER, TAMMY J. SHAFER, AND S. SHAFER EXCAVATING INC.	)	
	)	
	)	
	)	
	)	
Respondents.	)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2018).

FACTS

1. That Sammy J. Shafer and Tammy J. Shafer are the present owners and S. Shafer Excavating & Demolition is the present operator (Respondents) of a property located at Rte 159, Caseyville, St. Clair County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Caseyville/S Shafer Excavating & Demolition.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1630255068.
3. That Respondents have operated said facility at all times pertinent hereto.

4. That on August 5, 2019, Chris Cahnovsky of the Illinois Environmental Protection Agency's Collinsville Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on October 1, 2019, Illinois EPA sent this Administrative Citation via Certified Mail No. 7015 0640 0005 6905 7845 to Sammy J. Shafer, Certified Mail No. 7015 0640 0005 6905 7838 to Tammy J. Shafer, and Certified Mail No. 7015 0640 0005 6905 7821 to S. Shafer Excavating Inc.

#### VIOLATIONS

Based upon direct observations made by Chris Cahnovsky during the course of his August 5, 2019 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2018).
- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2018).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2018), Respondents are jointly and severally subject to civil penalties of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondents elect not to

petition the Illinois Pollution Control Board, the statutory civil penalties specified above shall be due and payable no later than November 8, 2019, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2018), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2018), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondents' check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondents shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2018). If Respondents elect to contest this Administrative Citation, then Respondents shall file a Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.

Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondents.



\_\_\_\_\_  
John J. Kim, Director  
Illinois Environmental Protection Agency

Date: 9/30/19

Prepared by: Dawn A. Hollis, Legal Assistant  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
	)	
Complainant,	)	AC 2020-
	)	
v.	)	
	)	(IEPA No. 131-19-AC)
SAMMY J. SHAFER, TAMMY J. SHAFER,	)	
AND S. SHAFER EXCAVATING INC.	)	
	)	
	)	
	)	
	)	
Respondents.	)	

FACILITY:	Caseyville/S. Shafer Excavating & Demolition	SITE CODE NO.:	1630255068
COUNTY:	St. Clair	CIVIL PENALTY:	\$3,000.00
DATE OF INSPECTION:	August 5, 2019		

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

Bureau of Land – Field Operations Section

**Evaluation Report**

**General Facility Information**

<b>BOL ID:</b>	1630255068	<b>Region:</b>	Collinsville
<b>USEPA ID:</b>	Not Applicable	<b>County:</b>	St Clair
<b>Site Name:</b>	S Shafer Excavating & Demolition	<b>Phone:</b>	618-781-3447
<b>Address:</b>	Rte 159	<b>Latitude:</b>	38.6509
<b>City/State/Zip:</b>	Caseyville, IL 62232	<b>Longitude:</b>	-89.9855

<b>Owner</b>	<b>Operator</b>
S. Shafer Excavating & Demolition 15 Sycamore Dr Caseyville, IL 62232	S. Shafer Excavating & Demolition 4212 Sam's Dr Pontoon Beach, IL 62040

**Evaluation Details**

<b>Evaluation Type</b>	Open Dump Inspection
<b>Evaluation Date</b>	8/5/2019
<b>Inspector(s)</b>	Cahnovsky, Chris
<b>Person(s) Interviewed</b>	Curtis R Smith; Sam Shafer Jr.; Sam Shafer Sr.
<b>Previous Inspection Date</b>	No Prior Inspection
<b>Reference Complaint ID</b>	1525

**Observations**

<b>Time</b>	16:10 -17:10
<b>Weather Conditions (Description)</b>	Sunny with dry soil conditions
<b>Temperature (°F)</b>	88
<b>Samples Collected (Yes/No)</b>	No
<b>Photos Taken (Yes/No)</b>	Yes
<b>Amount of Waste (Cubic Yards)</b>	150

**Executive Summary**

On August 1, 2019, the Illinois EPA received a complaint (C-1525) alleging that S. Shafer Excavating, Inc. is dumping general construction or demolition debris (GCDD) on property they own on IL Rt 159 in Caseyville. The complainant witnessed a trailer containing wood demolition waste drive to the top of the hill behind the trees. On August 5, 2019, I conducted an inspection at parcels of property located near the intersection of East Brookhaven Drive and Illinois Rte 159. I observed the open dumping of GCDD.

**Evaluation Narrative**

There is a sign that reads S. Shafer Excavating and Demolition at the entrance gate to the property. I entered the open gate and drove up a rock road into a wooded area. At the end of the road I observed an S. Shafer truck backing up to the edge a ravine.

**Electronic Filing: Received, Clerk's Office 10/03/2019 \*\*AC 2020-001\*\***

The driver exited the truck and opened the tail gate of the trailer. In the back of the trailer, I observed trees, roofing waste, metal, treated timber and brick. I identified myself and told the driver that dumping this waste would be a violation of the law. He stated that he was told by his supervisor to dump at this location. I again informed him that the waste could not be dumped legally at this site. I requested to see his identification and he voluntarily provided me with his driver's licenses. Mr. Curtis Smith was the driver. He was polite and cooperative during the site visit. He decided not to dump the load.

I walked the edge of the ravine. The ravine is about 40 to 50 feet deep. I could not safely walk down the side slop. In the ravine and on top of the ravine I observed dimensional lumber, painted wood, metal, fencing, plastic container, plastic tarp, metal, and roofing material. This waste meets the definition of General Construction or Demolition Debris as defined by 415 ILSC Section 3.160(a) of the [Illinois] Environmental Protection Act.

I spoke telephonically with Sam Shafer. He stated that the load should only be trees. He stated that the load came from a job in East St. Louis. He did not know where. He though it may be coming from a job on Monroe Street.

Mr. Sam Shafer Jr. arrived on site and we walked the edge of the ravine. He also did not know where the load came from and he thought it may have come from 45th Street in East St. Louis. He stated that the land was purchased about a year ago and S. Shafer began filling at this site about a month ago. I explained that everything that was not uncontaminated rock, dirt, brick, asphalt and concrete had to be removed and taken to a landfill. He stated that the trees were brought to this site to be burned. He claimed S. Shafer had a burn permit from St. Clair Country. Since the wood comes from a job site it is considered trade waste and cannot be burned at this location.

According to the St. Clair County Assessor's Office this property is parcel 03-03.0-300-020 and is owned by Sammy J and Tammy J Shafer. It appears that the property was purchased by the Shafer's in 2015 or 2016. According to the Office of the Secretary of State, S. Shafer Excavating, Inc Registered Agent is Sammy J. Shafer and the President is Tammy J. Shafer.

I conducted a review of this parcel using Google Earth. It appears that construction of the rock turn-around area was taking place in August 2017. It appears the filling into the ravine was occurring in October 2018.

**Summary of Apparent Violation(s)**

Status	Date Cited	Violation	Narrative
New	8/5/2019	21(a)	Cause or allow open dumping
New	8/5/2019	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
New	8/5/2019	21(d)(2)	Conduct a waste storage, treatment, or disposal operation in violation of any regulations or standards adopted by the Pollution Control Board
New	8/5/2019	21(e)	Dispose, treat, store, abandon any waste, or transport any waste into Illinois at or to sites not meeting requirements of the Act
New	8/5/2019	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	8/5/2019	21(p)(7)	Cause or allow open dumping of any waste in a manner which results in deposition of general or clean construction or demolition debris

Electronic Filing: Received, Clerk's Office 10/03/2019 \*\*AC 2020-001\*\*

New	8/5/2019	812.101(a)	Application submitted for permit to develop and operate landfill; application contains information required by § 812.Subpart A and Act § 39(a), except as per Part 817
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**Attachment Listing**

ID	Type	Description
		No attachments

Digital Photographs



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 1  
Photo Date: 8/5/2019  
Photo Time: 16:11:16  
Direction: North  
Taken By: Chris Cahnovsky

General Construction or Demolition Debris



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 2  
Photo Date: 8/5/2019  
Photo Time: 16:11:27  
Direction: South  
Taken By: Chris Cahnovsky

General Construction or Demolition Debris



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 3  
Photo Date: 8/5/2019  
Photo Time: 16:11:52  
Direction: West  
Taken By: Chris Cahnovsky

General Construction or Demolition Debris



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 4  
Photo Date: 8/5/2019  
Photo Time: 16:12:12  
Direction: West  
Taken By: Chris Cahnovsky

General Construction or Demolition Debris



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 5  
Photo Date: 8/5/2019  
Photo Time: 16:13:03  
Direction: East  
Taken By: Chris Cahnovsky

General Construction or Demolition Debris waste that was in the back of the trailer.



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 6  
Photo Date: 8/5/2019  
Photo Time: 16:14:47  
Direction: Not Indicated  
Taken By: Chris Cahnovsky

Driver information



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 7  
Photo Date: 8/5/2019  
Photo Time: 16:16:32  
Direction: North  
Taken By: Chris Cahnovsky

Trees mixed with General Construction or Demolition Debris.



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 8  
Photo Date: 8/5/2019  
Photo Time: 16:17:05  
Direction: West  
Taken By: Chris Cahnovsky

General Construction or Demolition Debris



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 9  
Photo Date: 8/5/2019  
Photo Time: 16:17:32  
Direction: West  
Taken By: Chris Cahnovsky

General Construction or Demolition Debris



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 10  
Photo Date: 8/5/2019  
Photo Time: 16:24:50  
Direction: West  
Taken By: Chris Cahnovsky

General Construction or Demolition Debris



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 11  
Photo Date: 8/5/2019  
Photo Time: 16:24:57  
Direction: West  
Taken By: Chris Cahnovsky

General Construction or Demolition Debris



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 12  
Photo Date: 8/5/2019  
Photo Time: 16:25:18  
Direction: Northeast  
Taken By: Chris Cahnovsky

Truck and trailer containing general Construction or Demolition Debris.



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 13  
Photo Date: 8/5/2019  
Photo Time: 16:26:15  
Direction: Northwest  
Taken By: Chris Cahnovsky

Truck and trailer containing  
general Construction or  
Demolition Debris.



Site: S Shafer Excavating & Demolition (1630255068)  
St Clair County

Photo ID: 14  
Photo Date: 8/5/2019  
Photo Time: 16:51:59  
Direction: South  
Taken By: Chris Cahnovsky

General Construction or  
Demolition Debris - painted  
wood



Site Diagram(s)

Site Diagram 1: August 5, 2019 • S Shafer Excavating & Demolition (1630255068) • St Clair County





Site Diagram(s)

Site Diagram 2: August 5, 2019 • S Shafer Excavating & Demolition (1630255068) • St Clair County





Site Diagram(s)

Site Diagram 3: August 5, 2019 • S Shafer Excavating & Demolition (1630255068) • St Clair County

St Clair County Parcel Map Viewer St Clair County GIS

Parcel: 03030300020

Show search results for 03030...

Parcel: 03030300020

Parcel Number:	03030300020
Acreage:	20.078020
Assessor ID:	03-03.0-300-020
Site Address:	STATE RTE 159
Site City/Zip:	CASEVILLE, IL 62232
Subdivision:	CASEVILLE TWP SEC 3
Owner:	SAMMY J & TAMMY L SHAFER
Owner Address:	15 SYCAMORE DR
Owner Address2:	
Owner City:	CASEVILLE, IL
Township Name:	CASEVILLE

Zoom to ...

POWERED BY Esri HERE, Garmin, NGA, USGS, NPS



**PROOF OF SERVICE**

I hereby certify that I did on the 1<sup>st</sup> day of October, 2019, serve by Certified Mail, Return Receipt Requested, with postage thereon prepaid, by depositing in a United States Post Office box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

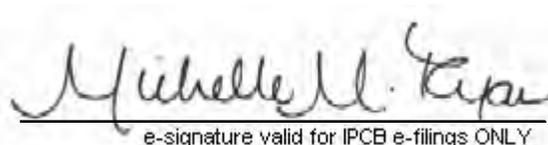
To: Sammy J. Shafer  
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Tammy J. Shafer  
14 Sycamore Drive  
Caseyville, IL 62232

S. Shafer Excavating Inc.  
4212 Sam's Road  
Pontoon Beach, IL 62040

and the original via electronic filing on October 1, 2019

To: Don Brown, Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan  
Assistant Counsel

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
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