

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2020-001
)	
v.)	(IEPA No. 131-19-AC)
)	
SAMMY J. SHAFER, TAMMY J. SHAFER)	
and S. SHAFER EXCAVATING INC.,)	
)	
Respondents.)	

NOTICE OF FILING

To: Sammy J. and Tammy Shafer	S. Shafer Excavating, Inc.
14 Sycamore Drive	c/o Sammy Shafer, Registered Agent
Caseyville, IL 62232	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 MOTION TO WITHDRAW ADMINISTRATIVE CITATION.

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: December 19, 2019

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2020-001
)	
v.)	(IEPA No. 131-19-AC)
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SAMMY J. SHAFER, TAMMY J. SHAFER)	
and S. SHAFER EXCAVATING, INC.,)	
)	
Respondents.)	

MOTION TO WITHDRAW
ADMINISTRATIVE CITATION

NOW COMES the Complainant, the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorney, Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 101.500, and respectfully states as follows:

(1) On October 1, 2019, Illinois EPA issued an Administrative Citation to Respondents Sammy J. Shafer, Tammy J. Shafer, and S. Shafer Excavating, Inc., based on an inspection conducted on August 5, 2019.

(2) No petitions for review contesting this Administrative Citation have been filed.

(3) Illinois EPA filed returns of on all defendants in this case. In its order dated November 21, 2019, the Pollution Control Board (“Board”) took issue with the validity of both the abode service on the individual defendants and the mail service on the corporation’s registered agent.

(4) The corporation was served via certified mail at the mailing address listed for its Registered Agent with the Illinois Secretary of State. Illinois EPA cannot control the United States

Postal Service or who it allows to sign for certified mail or what information they require from the recipient of certified mail.

(5) Nevertheless, both Sammy J. Shafer, the Registered Agent, and Tammy J. Shafer, the President of S. Shafer Excavating, Inc., contacted the undersigned to discuss the Administrative Citation and determine where to send the payment of the requested penalty.

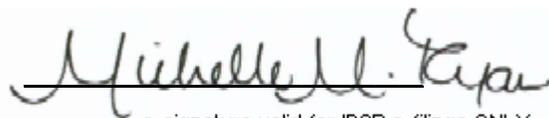
(6) S. Shafer Excavating, Inc. paid the requested penalty in this case prior to the Board's November 21, 2019 order. Therefore, the relief requested in the Administrative Citation has been received and an order from this Board to that effect is no longer necessary.

(7) In addition, facts and circumstances discovered since the filing of the Administrative Citation indicate that it is appropriate to withdraw this Administrative Citation at this time.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against Respondent.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

DATED: December 19, 2019



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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

PROOF OF SERVICE

I hereby certify that I did on the 20th day of December, 2019, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled MOTION TO WITHDRAW ADMINISTRATIVE CITATION

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

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

and an electronic copy of the same foregoing instrument on the 19th day of December, 2019 via electronic filing

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
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