



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-9817
TDD: (217) 782-9143

June 2, 2011

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

RECEIVED
CLERK'S OFFICE
JUN 07 2011
STATE OF ILLINOIS
Pollution Control Board

AC11-28

ORIGINAL

Re: Illinois Environmental Protection Agency v. Thad and Linda Shafer
IEPA File No. 125-11-AC: 0350105004—Cumberland County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

JUN 07 2011

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
THAD and LINDA SHAFER)
)
Respondents.)

AC 11-28
(IEPA No.125-11-AC)

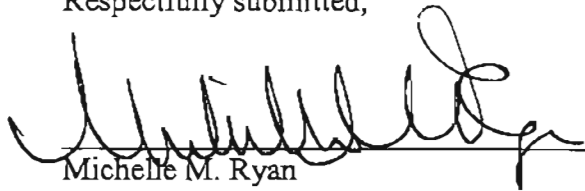
NOTICE OF FILING

ORIGINAL

To: Thad and Linda Shafer
984 US Route 40
Jewett, IL 62436

PLEASE TAKE NOTICE that on this date I mailed for filing 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,



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: June 2, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
JUN 07 2011
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
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v.)
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THAD and LINDA SHAFER,)
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)
Respondents.)

AC 11-28
(IEPA No. 125-11-AC)

ORIGINAL

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 (2008).

FACTS

1. That Thad and Linda Shafer are the current owners ("Respondents") of a facility located at 984 US Route40, Jewett, Cumberland County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Jewett/Shافر (fka Gran).

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0350105004.

3. That Respondents have owned said facility at all times pertinent hereto.

4. That on April 7, 2011, Dustin Burger of the Illinois Environmental Protection Agency's ("Illinois EPA") Champaign 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 6-2-11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2510 0001 8619 1630.

VIOLATIONS

Based upon direct observations made by Dustin Burger during the course of his April 7, 2011 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) (2008).

- (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) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), Respondents are subject to a civil penalty 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 elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than June 30, 2011, 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 (2008), 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) (2008), 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, Respondent's 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 (2008). If Respondents elect to contest this Administrative Citation, then Respondents shall file a signed 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.

Lisa Bonnett *by SOP*
Lisa Bonnett, Interim Director
Illinois Environmental Protection Agency

Date: 5/31/11

Prepared by: Susan E. Konzelmann, 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,)
)
v.)
)
THAD and LINDA SHAFER,)
)
)
)
)
Respondents.)

AC 11-28
(IEPA No. 125-11-AC)



ORIGINAL

FACILITY: Jewett/Shafer (fka Gran) SITE CODE NO.: 0350105004
COUNTY: Cumberland CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: April 7, 2011

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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

RECEIVED
CLERK'S OFFICE
JUN 07 2011
STATE OF ILLINOIS
Pollution Control Board

AC11-28

IN THE MATTER OF:)
)
)
)
)
)
Wil Mathews, Linda and)
Thad Shafer,)
)
)
)
Respondents)

IEPA DOCKET NO.

ORIGINAL

Affiant, Dustin Burger, being first duly sworn, voluntarily deposes and states as follows:

- 1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
- 2. On April 7, 2011 between 11:30 A.M. and 11:45 A.M., Affiant conducted an inspection of the site in Cumberland County, Illinois, known as Jewett/Shafer near Jewett, Illinois, Illinois Environmental Protection Agency Site No. 0350105004.
- 3. Affiant inspected said Jewett/Shafer site by an on-site inspection which included photographing the site.
- 4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to the Jewett/Shafer site.

Dustin Burger

Subscribed and Sworn to before me
this 27th day of April,
2011.

Beverly Marie Carver
Notary Public

OFFICIAL SEAL
Beverly Marie Carver
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 3-29-15

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

CLEHR'S OFFICE

JUN 07 2011

STATE OF ILLINOIS
 Pollution Control Board

County: Cumberland LPC#: 0350105004 Region: Cumberland
 Location/Site Name: Jewett/Shafer
 Date: 04/07/2011 Time: From 11:30A To 11:45A Previous Inspection Date: 12/30/2011
 Inspector(s): Dustin Burger Weather: Cloudy, wet w/recent rain. 50s
 No. of Photos Taken # 3 Est. Amt. of Waste: 40 yds³ Samples Taken: Yes # No
 Interviewed No one present Complaint #: C11-033-CH
 Latitude: N39.21033 Longitude: W-88.24152 Collection Point Description: - Googlemaps
 (Example: Lat 41.26493 Long -89.38294) Collection Method: -

Responsible Party Mailing Address(es) and Phone Number(s). Thad Shafer, Owner 984 US Route 40 Jewett, Illinois 62436	Wil Mathews 1106 Cumberland Jewett, Illinois 62436
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 0350105004

Inspection Date: 04/07/2011

	(7)	Deposition of General Construction or Demolition Debris, or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- 1 [Illinois] Environmental Protection Act 415 ILCS 5/4
- 2 Illinois Pollution Control Board 35 Ill. Adm Code, Subtitle G.
- 3 Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1 and 2 above.
- 4 The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act
- 5 This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act. 415 ILCS 5/4(c) and (d).
- 6 Items marked with an "NE" were not evaluated at the time of this inspection

Illinois Environmental Protection Agency
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC#0350105004--Cumberland County
Jewett/Shafer
FOS File
April 7, 2011 Inspection
Inspector: Dustin Burger
Complaint No. CH-033-CH

Narrative Inspection Report

I conducted an open dump reinspection at the above referenced facility on April 7, 2011. The inspection lasted from approximately 11:30-11:45 A.M. This inspection was conducted to determine the regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). Three photos and no samples were taken. This site was formerly listed as Jewett/Gran, after the name of the owner of a burned trailer that had been dumped on the property. With the discovery of additional material dumped by the property owners, the Shafers, it was renamed Jewett/Shafer.

Background

This property is a rural field surrounded by forested hills. The dump site was discovered when Wil Mathews from Jewett burned a house trailer in town and dumped the remaining debris at this property owned by his Aunt, Linda Shafer. Mr. Mathews and the trailer owner, Bonnie Gran, received an ACWN sent on October 20, 2010. Mathews was issued a ticket for open dumping by Conservation Police Officer Phillips. Mr. Mathews called me several times regarding the progress he had or had not made on the project. During his last call, he said he had removed the trailer debris, but there was additional waste at the site under the demo debris for which he was not responsible.

A reinspection on December 30, 2010 found Mr. Mathews was correct. There was a considerable amount of household waste that had been under the demolition debris during my previous visit that I just didn't see. I saw garbage bags with household waste, including mail with the name and address of Thad Shafer. I noted tin cans, plastic, empty containers, and food wrappers in the pile. I also noted some demolition debris remaining from the trailer demolition, including lumber and carpet (see photos 1-2). Another ACWN was sent on January 19, 2011 to Shafer and Mathews to remove the waste by a March 15, 2011 deadline.

Current Inspection

When I arrived at the site I knocked on the door, but received no answer. I drove to the area where the dump site was located and found the area essentially the same as my previous inspection. Some of the burned trailer was still at the site in the form of lumber and carpet. The pile of household waste was the same. It didn't look like any waste had been added, but none had been removed, either. I noted metal cans, plastic, cardboard, glass, paper, wood, and carpet in the main pile (see photos 1-2). With the vegetation dead, I noted there was additional waste spread downhill from the dump site (photo 3).

Regulated Status

This site is regulated as an open dump. Material still remains from the dumped trailer, but removal of some of the demolition waste revealed an existing and active open dump used by the property owners.

Apparent violations observed during this inspections:

Environmental Protection Act, 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 1/2, 1001 et. seq.) {hereinafter called the "Act";

- #1 Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: **evidence of open dumping of waste was observed during the inspection.**

- #2 Pursuant to Section 21(d)(1) of the Act, no person shall conduct and waste-storage, waste-treatment, or waste-disposal operation without a permit

A violation of Section 21(d)(1) is alleged for the following reason: **evidence of the operation of a waste-storage, waste-treatment, or waste-disposal operation without a permit was observed during the inspection.**

- #3 Pursuant to Section 21(d)(2) of the Act, no person shall conduct and waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Pollution Control Board.

A violation of Section 21(d)(2) is alleged for the following reason: **evidence of the operation of a waste-storage, waste-treatment, or waste-disposal operation in violation of regulations adopted by the Board was observed during the inspection.**

- #4 Pursuant to Section 21(e) of the Act, no person shall dispose, treat, store or abandon any waste or transport any waste into this State for disposal, treatment, storage, or abandonment, except at a site or facility which meets the requirements

of this Act and of regulations and standards thereunder.

A violation of Section 21(e) is alleged for the following reason: **waste was stored and disposed of at this site which does not meet the requirements of the Act and of regulations and standards thereunder.**

- #5 Pursuant to Section 21(p)(1) of the Act, no one shall cause or allow the open dumping of any waste in a manner which results in litter.

A violation of Section 21(p)(1) is alleged for the following reason: **waste was open dumped at this site resulting in litter.**

- #6 Pursuant to Section 21(p)(7) of the Act, no one shall cause or allow the open dumping of any waste in a manner which results in deposition of general construction or demolition debris.

A violation of Section 21(p)(7) is alleged for the following reason: **waste was open dumped at this site resulting in deposition of general construction and demolition debris.**

35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Land Pollution, Chapter I: Pollution Control Board) [Regulations]

- #7 Pursuant to Section 812.101(a) of the Regulations, All persons, except those specifically exempted by Section 21(d) of the Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of Section 812.101(a) is alleged for the following reason: **this waste management site has not submitted an application to the Agency for a permit to develop and operate a landfill.**



0350105004. Cumberland
Jewett/Shafter



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0350105004--Cumberland County
Jewett/Gran
FOS File

DATE: April 7, 2011
TIME: 11:30-11:45 A.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
0350105004~04072011-001.jpg
COMMENTS:



DATE: April 7, 2011
TIME: 11:30-11:45 A.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
0350105004~04072011-002.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #0350105004--Cumberland County
Jewett/Gran
FOS File

DATE: April 7, 2011
TIME: 11:30-11:45 A.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
0350105004~04072011-003.jpg
COMMENTS:



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JUN 07 2011
STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

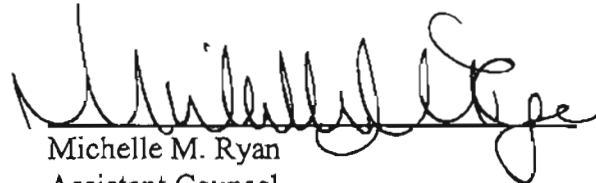
I hereby certify that I did on the 2nd day of June 2011, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Thad and Linda Shafer
984 US Route 40
Jewett, IL 62436

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

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

ORIGINAL



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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P.O. Box 19276
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