

STATE OF ILLINOIS

COUNTY OF LASALLE

ADMINISTRATIVE CITATION

COUNTY OF LASALLE)	
)	
Complainant)	
)	
v.)	
)	
PAMELA SHANLEY)	AC NO. <u>LC2021-05</u>
)	
Respondent(s))	

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/31.1, formerly Ill. Rev. Stat. 1991, Ch. 111 ½, par. 1031.1, and delegated to the County of LaSalle pursuant to 415 ILCS 5/4 (r), formerly Ill. Rev. Stat., Ch. 111 ½, par. 1004 (r).

FACTS

1. That Respondent, Pamela Shanley is the present owner and/or operator of property located in Rutland Township, LaSalle County, Illinois.
2. That said facility is an open burn and open dump site, operating without an Illinois Environmental Protection Agency Permit, and is designated with Site Code No. 0998295031. Said facility is commonly known to the Agency as the Shanley Property.
3. That the Respondent has owned and/or operated said facility since September 15, 2010.
4. That on November 18, 2021, Brian Gift and Brooke Schumacher of the LaSalle County Land Use Department, under the authority of the Illinois Environmental Protection Agency, inspected the above-described facility. A copy of the inspection reports setting forth the results of such inspections are attached hereto and made a part hereof.

VIOLATIONS

5. On the basis of direct observations of Brian Gift and Brooke Schumacher of the LaSalle County Land Use Department, it has been determined that the Respondents have caused or allowed open dumping at the above-described facility in a manner which results in the following occurrences:

That on November 18, 2021, an on-site inspection of said facility disclosed the following:

- XXX Causing or allowing litter -- 415 ILCS 5/21 (p) (1), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021 (p) (1) [formerly par. 1021 (q) (1)]).
- Causing or allowing scavenging operations -- 415 ILCS 5/21 (p) (2), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 102 (p) (2) [formerly par. 1021 (q) (2)]).
- XXX Causing or allowing open burning -- 415 ILCS 5/21 (p) (3), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(p) (3) [formerly par. 1021 (q) (3)]).
- Causing or allowing the deposition of waste in standing or flowing waters -- 415 ILCS 5/21 (p) (4), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021 (p) (4) [formerly par. 1021 (q) (4)]).
- Causing or allowing proliferation of disease vectors -- 415 ILCS 5/21 (p) (5), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(p) (5) [formerly par. 1021 (q) (5)]).
- Causing or allowing the generation of standing or flowing liquid discharge from the open dump site -- 415 ILCS 5/21 (p) (6), (formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(p) (6) [formerly par. 1021 (q) (6)]).
- XXX Causing or allowing the deposition of general construction or demolition debris, or clean construction or demolition debris in violation of 415 ILCS 5/21(p)(7).

CIVIL PENALTY

6. Pursuant to 415 ILCS 5/42 (b) (4), formerly Ill. Rev. Stat. 1991, ch. 111 ½, par. 1042 (b) (4), Respondent herein is subject to a civil penalty of Fifteen Hundred Dollars (\$1500.00) for each violation specified above in Paragraph 5(b) for a total of Four Thousand Five Hundred Dollars (\$4500.00). Additionally, should Respondents elect to petition the Illinois Pollution Control Board under the review process described herein below, and if there is a finding of the violation 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, in addition to the Fifteen Hundred Dollar (\$1500.00) statutory penalty for each finding of violation.
7. If you acknowledge the violations cited herein above, the civil penalty specified above shall be due and payable no later than thirty-five (35) days from the date of service hereof. If you do not petition the Illinois Pollution Control Board of review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.
8. When payment is made, one certified check or money order for (\$2,250.00) shall be made payable to the **LaSalle County Treasurer** and mailed to:

**LaSalle County Land Use Department
119 West Madison Street
Room 107A
Ottawa, Illinois 61350**

And one certified check or money order for (\$2,250.00) shall be made payable to the **Illinois Environmental Protection Trust** and mailed to:

**Illinois Environmental Protection Agency
Attn.: Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276**

Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

9. If any civil penalty imposed by the Illinois Pollution Control Board is not paid within the time prescribed in the order, interest from such penalty will be assessed for the period from the date payment is due until the date payment is received. If any civil penalty, by reason of acknowledgment, default or finding after the adjudicatory hearing is not paid when due, the LaSalle County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, interest and hearing costs of the Illinois Pollution Control Board, if any, the State's Attorney's Office will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

10. You have the right to contest this Administrative Citation. See: 415 ILCS 5/31.1, formerly Ill. Rev. Stat. 1991, Ch. 111 ½, par. 1031.1. If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. Copies of the Petition for Review should also be filed with:

Mark Anderson
LaSalle County Special Assistant State's Attorney
707 Etna Road
Ottawa, Illinois 61350

LaSalle County Land Use Department
119 West Madison Street
Room 107
Ottawa, Illinois 61350

Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. Petition for Review may be filed with the:

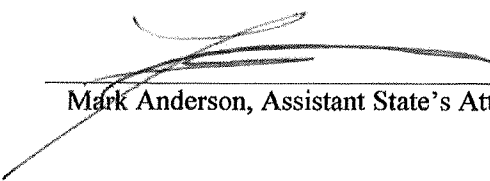
Clerk of the Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

Dated: _____

11/29/21

Todd Martin
LaSalle County State's Attorney

By: _____


Mark Anderson, Assistant State's Attorney

Electronic Filing: Received, Clerk's Office 11/29/2021**AC 2022-2**
BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF LASALLE)
)
 Complainant)
)
 v.)
)
 PAMELA SHANLEY)
)
 Respondent(s))

AC NO. LC2021-05

REMITTANCE FORM

FACILITY:

Pamela Shanley
N 30th Rd.
Ottawa, IL 61350

Site Code: 09982295031
County: LaSalle
Township: Rutland

CIVIL PENALTY: \$1500.0 for each violation

Number of Violation(s): Three (3)

Total Remittance: \$2,250.00 (50% of \$4,500)

Date of Inspection: November 18, 2021

DATE REMITTED: _____

SS/FEIN NUMBER _____

SIGNATURES _____

NOTE

Please enter the date of your remittance, your social security number(s) (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your certified check or money order is enclosed, and mail, along with Remittance Form to:

**LaSalle County Land Use Department
119 West Madison Street, Room 107A
Ottawa, IL 61350**

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**Illinois Environmental Protection Agency
Attn.: Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276**

INFORMATIONAL NOTICE

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS

NOTE: This Administrative Citation Refers to One State Agency and Two County Entities

The One State Agency Is:

ILLINOIS POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER
100 WEST RANDOLPH STREET, SUITE 11-500
CHICAGO, ILLINOIS 60601

The Two County Entities Are:

LASALLE COUNTY STATE'S ATTORNEY OFFICE
ATTENTION: MARK ANDERSON
707 ETNA ROAD
OTTAWA, ILLINOIS 61350

LASALLE COUNTY LAND USE DEPARTMENT
119 WEST MADISON STREET
ROOM 107A
OTTAWA, ILLINOIS 61350

If you elect to contest the enclosed ADMINISTRATIVE CITATION, you must file a PETITION FOR REVIEW within thirty-five (35) days of the date the ADMINISTRATIVE CITATION was served upon you. Any such PETITION FOR REVIEW must be filed with the CLERK OF THE ILLINOIS POLLUTION CONTROL BOARD by either hand-delivering or mailing the PETITION FOR REVIEW to the **CLERK OF THE ILLINOIS POLLUTION CONTROL BOARD** at the address given above. A copy of the PETITION FOR REVIEW should be either hand-delivered or mailed to the LASALLE COUNTY STATE'S ATTORNEY'S OFFICE, ATTENTION: MARK ANDERSON at the address given above. Also, a copy of the PETITION FOR REVIEW should be either hand-delivered or mailed to the LASALLE COUNTY LAND USE DEPARTMENT at the address given above.

COUNTY OF LASALLE)

Complainant)

v.)

PAMELA SHANLEY)

Respondent(s))

AC NO. LC2021-05

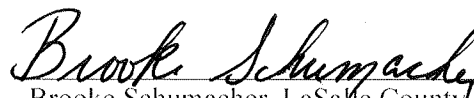
AFFIDAVIT

Affiants, Brian Gift and Brooke Schumacher, being first duly sworn, voluntarily deposes and states as follows:

1. Affiants are employed by the County of LaSalle and have been so employed at all times pertinent hereto.
2. On November 18, 2021 between 1:17p.m. and 1:20p.m., Affiants conducted inspections of an open burn and open dump site operating without an Agency permit, located in LaSalle County, Illinois and known as the Shanley Property by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0998295031 by the Agency.
3. Affiant inspected the said Rutland Township / Shanley Property open dump site by an on-site inspection which included conducting a visual inspection and photographing the site.
4. As a result of the material actions referred to in paragraph 3 above, Affiants completed the Inspection Report Forms attached hereto and made a part hereof, which, to the best of Affiants knowledge and belief, is an accurate representation of Affiants observations and factual conclusions with respect to said Rutland Township / Shanley Property open burn and open dump site.



Brian Gift, LaSalle County



Brooke Schumacher, LaSalle County

Subscribed and Sworn to Before Me
this 21st day of November, A.D. 2021.



Notary Public



Electronic Filings Received Client's Office 11/29/2021**AG 2022-2**
Illinois Environmental Protection Agency
Open Dump Inspection Checklist

County: LaSalle BOL #: 0998295031 Region: 1 - Rockford
 Site Name: Shanley Property
 Site Address: N. 30th Rd. City: Ottawa
 Inspector: B. Gift & B. Schumacher Interviewed: _____
 Date: 11/18/21 Current Est. 80 yds³
 Complaint #: _____ Waste Amt. _____

Responsible Party: Pamela Shanley
 Mailing Address(es) and Phone Number(s): PO Box 391
Utica, IL 61373

Section	Description	Status
Illinois Environmental Protection Act Requirements		
9(a)	Cause, threaten, or allow air pollution in Illinois	
9(c)	Cause or allow open burning	V
12(a)	Cause, threaten, or allow water pollution in Illinois	
12(d)	Create a water pollution hazard	
21(a)	Cause or allow open dumping	V
21(d)	Conduct any waste-storage, waste-treatment, or waste- disposal operation:	
(1)	Without a permit	V
(2)	In violation of any regulations or standards adopted by the Board	
21(e)	Dispose, treat, store, or abandon waste, or transport waste into Illinois for such activities, except at a site meeting Act and regulatory requirements	V
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	V
(2)	Scavenging	
(3)	Open Burning	V
(4)	Deposition of waste in standing or flowing waters	
(5)	Proliferation of disease vectors	
(6)	Standing or flowing liquid discharge from the dump site	
(7)	Deposition of general construction or demolition debris as defined at §3.160(a) or clean construction or demolition debris as defined at §3.160(b)	V
55(a)	No person shall	
(1)	Cause or allow open dumping of any used or waste tire	
(2)	Cause or allow open burning of any used or waste tire	

55(k)	No person shall	
(1)	Cause or allow water to accumulate in used or waste tires	
(4)	Transport used or waste tires in violation of the registration and placarding requirements	
Consumer Electronic Recycling Act (415 ILCS 151) Requirements		
83(c)	No person may knowingly cause or allow the mixing of a CED or other listed device with waste that is intended for disposal by burning or incineration	
83(d)	No person may knowingly cause or allow the burning or incineration of a CED or other listed device	
35 Illinois Administrative Code Subtitle G Requirements		
722.111	Hazardous waste determination	
808.121	Special waste determination	
809.302(a)	Acceptance of special waste from a waste transporter without a waste hauling permit and manifest	
812.101(a)	Application submitted for permit to develop and operate landfill	
Other Requirements		
Apparent violation of: <input type="checkbox"/> PCB order <input type="checkbox"/> Circuit Court order		NA
Case Number ; Order entered on		
Other		

Brooke A. Shumsky

Notes

1. Key to Status: V=Violated; C=Continuing violation from previous evaluation; V/C=Newly violated and continuing from previous evaluation; V/R=Violated and resolved during same inspection; R=Resolved violation; NA=Not applicable at the time of the inspection; NE=Not evaluated at the time of the inspection
2. The provisions of §§21(o)–(p) and §55(k) of the Environmental Protection Act are enforceable either by administrative citation under §31.1 or by complaint under §31. Violations of the Consumer Electronic Recycling Act are enforceable by administrative citation under §1-55(a) or referral to the Attorney General pursuant to §1-50(b).
3. This inspection was conducted in accordance with §§4(c)–(d) of the Environmental Protection Act (415 ILCS 5/4(c) and (d)).

0998295031-LaSalle County
Rutland / Shanley Property

NARRATIVE INSPECTION REPORT DOCUMENT

GENERAL REMARKS

On November 18, 2021 an open burning inspection was conducted at N. 30th Rd. Ottawa, IL by Mr. Brian Gift and Ms. Brooke Schumacher, representing the LaSalle County Land Use Department, under the delegation authority of the Illinois Environmental Protection Agency. The property is owned by Ms. Pamela Shanley.

An Administrative Citation Warning Notice (ACWN) was sent from the LaSalle County Land Use Department on November 10, 2021 for open dumping violations.

Weather conditions on November 18, 2021 were overcast and 33° F. Winds E at 22 mph.

Mr. Gift and I were traveling north on IL ST RT 71, parallel to the property owned by Ms. Shanley, when we noticed that the debris pile seemed smaller than what was discovered on November 4, 2021. We decided to inspect.

Mr. Gift and I arrived at the site at 1:17 PM.

Upon arrival we noticed the debris pile, found just two weeks prior, was smaller. The soil and grass near the pile had been recently disturbed by large tire tracks (Photo #1). The debris pile still contained an estimated 20 yds. of demolition debris (Photo #2). This pile included shingles, dry wall, furniture pieces, treated lumber, drain tile, and other demolition debris (Photo #3). Directly to the east, nearly 10 feet from the demolition debris pile, were the remnants of a mattress (Photo #4) and a charred ash pile (Photo #5). The pile was still on fire at the time of the inspection (Photo #6). The pile contained several tangled metal items, treated lumber, metal hinges, and furniture remnants among other charred and ash debris.

No owner nor operator was on site at the time of this inspection.

After documenting our findings, we concluded the inspection at 1:20PM.

Apparent violations noted:

Illinois Environmental Protection Act:

9(c), 21(a), 21(d) 1, 21(e), 21(p)1, 3, 7

END OF NARRATIVE BY BROOKE SCHUMACHER



DIGITAL PHOTOGRAPHS

Shanley Property 0998295031



Date: 11/18/2021
Time: 1:19 PM
Direction: South
Photo by:
B. Schumacher
Exposure #: 1
Comments: Debris
pile smaller in size
compared to
11/4/2021
inspection.
Disturbance of soil
and grass near
debris pile.



Date: 11/18/2021
Time: 1:19 PM
Direction: East
Photo by:
B. Schumacher
Exposure #: 2
Comments:
Demolition debris.



DIGITAL PHOTOGRAPHS

Shanley Property 0998295031



Date: 11/18/2021
Time: 1:20 PM
Direction: North
Photo by:
B. Schumacher
Exposure #: 3
Comments:
Demolition debris,
dry wall, shingles,
furniture, and other
accumulated debris.
Disturbance of soil
around debris pile.



Date: 11/18/2021
Time: 1:20 PM
Direction: Northeast
Photo by:
B. Schumacher
Exposure #: 4
Comments: Mattress
springs between
existing debris pile
and pile of charred
remains.



DIGITAL PHOTOGRAPHS

Shanley Property 0998295031



Date: 11/18/2021
Time: 1:20 PM
Direction: Northeast
Photo by:
B. Schumacher
Exposure #: 5
Comments: Charred
pile located east of
debris pile. Disturbed
soil around pile.



Date: 11/18/2021
Time: 1:20 PM
Direction: South
Photo by:
B. Schumacher
Exposure #: 6
Comments: Charred
debris pile still on fire,
east of existing
debris pile.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: November 18, 2011 Inspector (s): B. SCHUMMELER + B. GLET

Site Code: 0998295031 County: LA SALLE

Site Name: SHANLEY PROPERTY Time: 1:17 pm - 1:20 pm



* Aerial - 2017 *

Attachment A

Warning: Corrective Action Required

To contest the Administrative Citation you must follow the instructions provided in the Administrative Citation. You may be served with additional Administrative Citations if you fail to complete the following corrective actions, and are found to be in violation of Section 21(p) of the Illinois Environmental Protection Act. Additional inspection(s) will be conducted to verify cleanup and compliance.

You must complete the following corrective actions:

1. Immediately cease all open dumping and open burning.
2. Within 30 days, remove all remaining waste to a permitted landfill or transfer station. Scrap metal not disposed of at a landfill can be taken to a scrap metal facility or recycling center.
3. Within 30 days, submit to the LaSalle County Land Use Department copies of receipts that document the proper disposal or recycling of the wastes.