

**STATE OF ILLINOIS**

**COUNTY OF LASALLE**

**AMENDED ADMINISTRATIVE CITATION**

**COUNTY OF LASALLE**

**Complainant**

v.

**PAMELA SHANLEY**

**Respondent**

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)  
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)  
)

**AC NO. AC 2022-002**

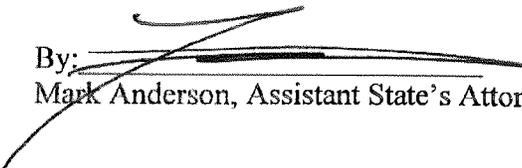
**AMENDED ADMINISTRATIVE CITATION**

1. On November 30, 2021 LaSalle County Land Use Department verified that the Respondent, Pamela Shanley, has made efforts to remedy the deficiencies at the subject property.
2. The Complainant issued AC 2022-002, but the original complaint has not been served on the Respondent.

**WHEREFORE**, The Complainant requests that the original Complaint AC 2022-002 be amended as attached to reflect an updated narrative and reduction in penalties.

Respectfully submitted,

**County of LaSalle, Complainant**

By:   
Mark Anderson, Assistant State's Attorney



Electronic Filing: Received, Clerk's Office 12/01/2021

**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:

- \_\_\_\_\_ 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)]).
- \_\_\_\_\_ 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 One Thousand Five Hundred Dollars (\$1,500.00) for each violation specified above in Paragraph 5(b) for a total of One Thousand Five Hundred Dollars (\$1,500.00). 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 One Thousand Five Hundred Dollars (\$1,500.00) 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 (\$750.00) 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 (\$750.00) 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: 12/1/2021

Todd Martin  
LaSalle County State's Attorney

By: \_\_\_\_\_

Mark Anderson  
Assistant State's Attorney

**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 30<sup>th</sup> Rd.  
Ottawa, IL 61350

Site Code: 09982295031  
County: LaSalle  
Township: Rutland

**CIVIL PENALTY:** \$1,500.00 for each violation

Number of Violation(s): One (1)

Total Remittance: \$750.00 (50% of \$1,500.00)

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**

**BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD**

COUNTY OF LASALLE )  
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 Complainant )  
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 PAMELA SHANLEY )  
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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 )

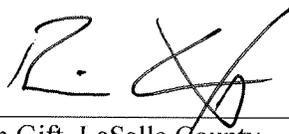
Respondent(s) )

AC NO. LC2021-05

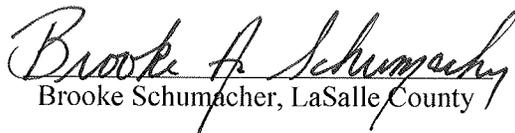
**AFFIDAVIT**

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.



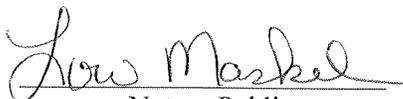
\_\_\_\_\_  
Brian Gift, LaSalle County



\_\_\_\_\_  
Brooke Schumacher, LaSalle County

Subscribed and Sworn to Before Me

this 1<sup>st</sup> day of December, A.D. 2021.

  
\_\_\_\_\_  
Notary Public



**Illinois Environmental Protection Agency  
Open Dump Inspection Checklist**

County: LaSalle BOL #: 0998295031 Region: 1 - Rockford  
 Site Name: Shanley Property  
 Site Address: N. 30<sup>th</sup> Rd. City: Ottawa  
 Inspector: B. Gift & B. Schumacher Interviewed: \_\_\_\_\_  
 Date: 11/18/21 Current Est. 80 yds<sup>3</sup>  
 Complaint #: \_\_\_\_\_ Waste Amt. \_\_\_\_\_

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

Section	Description	Status
<b>Illinois Environmental Protection Act Requirements</b>		
<b>9(a)</b>	Cause, threaten, or allow air pollution in Illinois	
<b>9(c)</b>	Cause or allow open burning	V
<b>12(a)</b>	Cause, threaten, or allow water pollution in Illinois	
<b>12(d)</b>	Create a water pollution hazard	
<b>21(a)</b>	Cause or allow open dumping	V
<b>21(d)</b>	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	
<b>21(e)</b>	Dispose, treat, store, or abandon waste, or transport waste into Illinois for such activities, except at a site meeting Act and regulatory requirements	V
<b>21(p)</b>	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
<b>55(a)</b>	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	

<b>55(k)</b>	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	
<b>Consumer Electronic Recycling Act (415 ILCS 151) Requirements</b>		
<b>83(c)</b>	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	
<b>83(d)</b>	No person may knowingly cause or allow the burning or incineration of a CED or other listed device	
<b>35 Illinois Administrative Code Subtitle G Requirements</b>		
<b>722.111</b>	Hazardous waste determination	
<b>808.121</b>	Special waste determination	
<b>809.302(a)</b>	Acceptance of special waste from a waste transporter without a waste hauling permit and manifest	
<b>812.101(a)</b>	Application submitted for permit to develop and operate landfill	
<b>Other Requirements</b>		
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)).

NARRATIVE INSPECTION REPORT DOCUMENT  
GENERAL REMARKS

On November 18, 2021 an open burning inspection was conducted at N. 30<sup>th</sup> 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.

On November 30, 2021 the LaSalle County Land Use Department received correspondence from Ms. Pamela Shanley. Ms. Shanley included a handwritten letter stating that the dumping had stopped and that "No Dumping" and "Private Property" signs would be placed on the property to divert fly-dumping. Ms. Shanley also included five receipts. Two receipts were from Pezanoski Trucking dated November 17 and November 19. The other three receipts were from LandComp Corp. from November 17 and November 19. All documents were reviewed and filed accordingly.

**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.



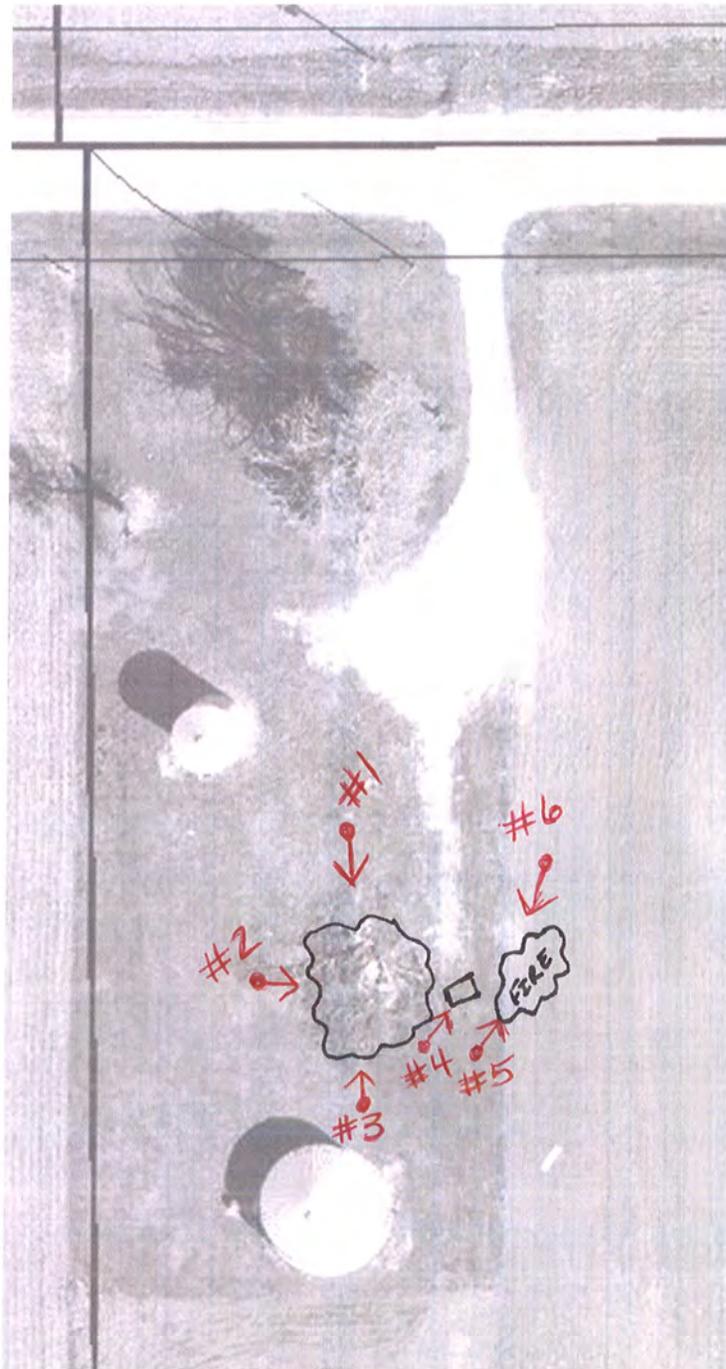
Date: 11/18/2021  
Time: 1:20 PM  
Direction: South  
Photo by:  
B. Schumacher  
Exposure #: 6  
Comments: Charred debris pile still on fire, east of existing debris pile.

STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: November 18, 2011 Inspector (s): B. SCHUMMHEK + B. GLET  
Site Code: 0998295031 County: LA SALLE  
Site Name: SHANLEY PROPERTY Time: 1:17 pm - 1:20 pm

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\* 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.