

ILLINOIS POLLUTION CONTROL BOARD
May 15, 2025

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 25-4
) (IEPA No. 35-25-AC)
ROBERT SHAY,) (Administrative Citation)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by B.F. Currie):

On March 19, 2025, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Robert Shay. *See* 415 ILCS 5/31.1(c) (2022); 35 Ill. Adm. Code 101.300(b), 108.200(b)(3). The administrative citation concerns Shay’s property located at 21960 North 1200 East Road in Pontiac, Livingston County. The property is commonly known to the Agency as the “Pontiac/Shay, Robert” site and is designated with Site Code No. 1050605136. For the reasons below, the Board finds that Robert Shay violated the Environmental Protection Act (Act) (415 ILCS 5 (2022)) and orders him to pay \$6,000 in civil penalties.

Under the Act, an administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations may be filed only by the Agency or, if the Agency has delegated the authority, by a unit of local government, and only for limited types of alleged violations. *See* 415 ILCS 5/21(o), 21(p), 22.51, 22.51a, 31.1(c), 42(b)(4), 42(b)(4-5), 55(k) (2022); 35 Ill. Adm. Code 108.

In this case, the Agency alleges that on February 11, 2025, Shay violated Sections 21(p)(1), (p)(3), and (p)(7) and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7), 55(k)(1) (2022)) by causing or allowing the open dumping of waste resulting in litter, open burning, and the deposition of general construction or demolition debris or clean construction or demolition debris and by causing or allowing water to accumulate in used or waste tires. The Agency asks the Board to impose the statutory \$1,500 civil penalty per violation on Shay for a total civil penalty of \$6,000. As required, the Agency served Shay with the administrative citation on March 22, 2025, which is within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2022); *see also* 35 Ill. Adm. Code 101.300(c), 108.200(b)(1).

To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violations alleged and impose the corresponding civil penalty. *See* 415 ILCS 31.1(d)(1) (2022); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Here, any petition for review was due by Monday, April 28, 2025. Shay

failed to timely file a petition. Accordingly, the Board finds that Shay violated Sections 21(p)(1), 21(p)(3), 21(p)(7), and 55(k)(1) of the Act.

The civil penalty for violating any provision of Sections 21(p) or 55(k) is \$1,500 for each violation, except that the penalty amount is \$3,000 for each violation that is the person's second or subsequent adjudicated violation of that provision. *See* 415 ILCS 5/42(b)(4-5) (2022); 35 Ill. Adm. Code 108.500(a). Because there are four violations of Section 21(p) or 55(k) and no indication in the record that any of these is a second or subsequent adjudicated violation, the total civil penalty is \$6,000. Under Section 31.1(d)(1) of the Act, the Board attaches the administrative citation and makes it part of the order below.

This opinion constitutes the Board's finding of fact and conclusions of law.

ORDER

1. The Board finds that Robert Shay violated Sections 21(p)(1), 21(p)(3), 21(p)(7), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7), 55(k)(1) (2022)).
2. Robert Shay must pay a civil penalty of \$6,000 no later than Monday, June 16, 2025, which is the first business day following the 30th day after the date of this order. Robert Shay must pay the civil penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case number and case name must appear on the certified check or money order.
3. Robert Shay must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
2520 West Iles Avenue
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2022)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2022)).
5. Payment of this penalty does not prevent future prosecution if the violations continue.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2022); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706.

Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Illinois Environmental Protection Agency Attn.: Michelle M. Ryan, Assistant Counsel 2520 West Iles Avenue PO Box 19276 Springfield, Illinois 62794-9276	Illinois Pollution Control Board Attn.: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov
Robert Shay 21960 North 1200 East Road Pontiac, Illinois 61764	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 15, 2025, by a vote of 5-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

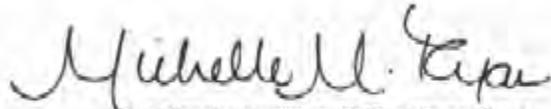
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
)	
Complainant,)	AC 2025-
)	
v.)	(IEPA No. 35-25-AC)
)	
ROBERT SHAY,)	
)	
)	
Respondent.)	
)	

NOTICE OF FILING

To: Robert Shay
21960 N. 1200 East Road
Pontiac, IL 61764

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
2520 West Iles Avenue
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: March 19, 2025

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2025-
)	
v.)	(IEPA No. 35-25-AC)
)	
ROBERT SHAY,)	
)	
)	
Respondent.)	

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 (2024).

FACTS

1. That Robert Shay is the present owner and operator of a property located 21960 N. 1200 E. Rd, Pontiac, Livingston County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Pontiac/Shay Robert.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1050605136.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on February 11, 2025, Dawn Smith of the Illinois Environmental Protection Agency's Champaign Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on March 19, 2025, Illinois EPA sent this Administrative Citation via Certified Mail No. 7015 0640 0005 6905 7968 to Robert Shay.

VIOLATIONS

Based upon direct observations made by Dawn Smith during the course of her February 11, 2025 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent 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) (2024).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2024).
- (3) That Respondent 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) (2024).
- (4) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2024).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2024), Respondent is subject to civil penalties of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Six Thousand Dollars (\$6,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalties specified above shall be due and payable no later than May 19, 2025, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects 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 (2024), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent 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) (2024), if Respondent fails to petition or elects 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, 2520 West Iles Avenue, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent 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 Respondent 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 Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2024). If Respondent elects to contest this Administrative Citation, then Respondent 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, 60 E. Van Buren Street, Suite 630, Chicago, Illinois 60605. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 2520 West Iles Avenue, 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 Respondent.



James Jennings, Acting Director
Illinois Environmental Protection Agency

Date: 3/17/25

Prepared by: Dawn A. Hollis, Legal Assistant
Division of Legal Counsel
Illinois Environmental Protection Agency
2520 West Iles Avenue
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
) AC 2025-
)
v.)
) (IEPA No. 35-25-AC)
ROBERT SHAY,)
)
)
)
Respondent.)

FACILITY: Shay Robert

SITE CODE NO.: 1050605136

COUNTY: Livingston

CIVIL PENALTY: \$6,000.00

DATE OF INSPECTION: February 11, 2025

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, 2520 West Iles Avenue, P.O. Box 19276, Springfield, Illinois 62794-9276.

Illinois Environmental Protection Agency

Bureau of Land – Field Operations Section

Inspection Report

General Facility Information

BOL ID	1050605136	Evaluation Date	2/11/2025
USEPA Id		Region	Champaign
Site Name	Shay Robert	County	Livingston
Address	21960 N. 1200 E. Rd.	Phone	None
City/State/Zip	Pontiac, IL 61764	EJ Status	None
Limited English	<input type="checkbox"/>	Primary Language	English

Observations

Time	12:54PM-1:26PM
Weather Conditions	Cloudy
Temperature	34 Fahrenheit
Photos Taken	Yes, 9
Amount of Waste	40 Cubic Yards

Evaluation Type

Solid Waste Program - Open Dump Inspection

Owner

Robert Shay
21960 N. 1200 E. Rd.
Pontiac, IL 61764

Operator

Robert Shay
21960 N. 1200 E. Rd.
Pontiac, IL 61764

Inspection Participants

<u>Person</u>	<u>Affiliation</u>	<u>Phone</u>
Dawn Smith	IEPA FOS Primary Inspector	(217) 278-3199

Persons Interviewed

<u>Person</u>	<u>Phone</u>	<u>E-Mail</u>
Shay, Roberta		

Permit

<u>Application Date</u>	<u>Log #</u>	<u>Issue Date</u>	<u>Expiration Date</u>	<u>Mod/Sp #</u>	<u>Mod/Sp Date</u>
NONE					

Active Enforcement Orders

<u>CACO</u>	<u>Consent Decree</u>	<u>CAFO</u>	<u>IPCB</u>	<u>Federal Court</u>	<u>State Court</u>
NONE					

Executive Summary

I conducted an open dump re-inspection at 21960 N. 1200 East Rd., Pontiac, Illinois on February 11, 2025. The site associated with this inspection belongs to Robert Shay, who runs an excavating business called 'Robert Shay Land Improvement.' During the initial inspection associated with complaint number 6601, I found remnants of tires in a burn pile and approximately seven tires without rims collecting water.

During the current inspection, I found approximately seven tires without rims collecting water, three 55-gallon metal drums of burnt garbage at least half full, approximately 25 Cubic Yards of demolition waste such as concrete, asphalt, stone, brick etc. open dumped, and approximately 15 Cubic Yards of waste from a burn pile including remnants of tires and demolition debris including shingles etc. I interviewed Roberta Shay, Robert Shay's wife. The demolition waste on the property may be related to the business that Robert Shay runs.

Evaluation Narrative

I conducted an inspection at the site located at 21960 N. 1200 East Rd., Pontiac, Illinois. According to the Livingston County Assessor's Office, the property is owned by Robert Shay. According to a google search, the property is associated with an excavating business 'Robert Shay Land Improvement.'

On July 28, 2023, I conducted an open dump complaint inspection. During the inspection I found remnants of tires in a burn pile and approximately seven tires without rims collecting water. An Administrative Citation Warning Notice was sent on August 15, 2023, with a deadline for cleanup October 27, 2023.

During the current inspection, I arrived at the site and knocked on the door. No one answered. I saw a brush pile and a haystack pile with an item I was unable to identify but was not suitable for burning. Mrs. Roberta Shay, Mr. Robert Shay's wife, came out and asked me what I was doing. I explained that I was there for a reinspection associated with the Administrative Citation Warning Notice that was sent in the mail from 2023. I showed her a copy of the letter that had been sent. When I asked about the item, I was not able to identify and the brush pile, Mrs. Shay explained that the brush pile was a home for woodland creatures such as rabbits and that there was no intention to burn the pile.

Mrs. Shay walked with me as I continued my inspection. I saw three passenger tires uncovered and filled with ice on the south side of the large outdoor building northeast of the house across the driveway. I explained that the tires needed to be emptied of water and covered.

Next, I saw three burn barrels which were at least half full. I explained to Mrs. Shay that burning garbage was not allowed. She said that she did not know that. I explained that only landscape waste from the property it is generated from may be burned, and only if there are no other local laws against it. I told her that the remnants of garbage would need to go into the dumpster that was sitting near the end of the driveway and sent to the landfill. Mrs. Shay was wondering if I had completed my inspection. I told her that she could wait inside and stay warm while I finished the inspection and that I would discuss what I found.

North of the large outdoor building was approximately 25 yards of demolition waste such as concrete, asphalt, stone, brick etc. open dumped and approximately 15 Cubic Yards of waste from a burn pile including remnants of tires and demolition debris including shingles etc. The demolition waste may be related to the business that Robert Shay runs on the property as 'Robert Shay Land Improvement.'

I spoke with Mrs. Shay about what I found with the burn pile and the demolition debris she seemed to be surprised about the existence of the pile and said that it may have been from the last time I inspected. I explained to her that the pile looked different from my previous inspection and that even if it had been the same it should have been cleaned up. I asked if they took demolition debris to their property. Mrs. Shay refused to comment. I told her I would consult with my supervisor on the appropriate response, but a fine was a possibility. I emphasized that it would be best to work with the Illinois EPA on cleaning up the site and that they could reach out to me at any time for questions.

Electronic Filing: Received, Clerk's Office 03/19/2024 **AC 2025-004**

Tires may not be open dumped, open burned, or allowed to collect water but must be covered to prevent the collection of water or disposed of through a tire retailer. Only landscape waste from the property it is generated from may be burned, and only if there are no other local laws against it. Demolition debris such as concrete, asphalt, stone, brick, shingles, etc. may not be open dumped or open burned, but must be appropriately disposed of at general construction or demolition debris recovery facilities.

Summary of Apparent Violation(s)			
Status	Date	Violation	Narrative
New	7/28/2023	21(a)	Cause or allow open dumping
New	7/28/2023	21(d)(1)	Conduct a waste storage, treatment, or disposal operation without a permit
New	7/28/2023	21(p)(1)	Cause or allow open dumping of any waste in a manner which results in litter
New	7/28/2023	21(p)(3)	Cause or allow open dumping of any waste in a manner which results in open burning
New	7/28/2023	55(a)(1)	Cause or allow open dumping of any used or waste tire
New	7/28/2023	55(a)(2)	Cause or allow open burning of any used or waste tire
New	7/28/2023	55(k)(1)	Cause or allow water to accumulate in used or waste tires
New	7/28/2023	9(a)	Cause, threaten or allow air pollution in Illinois
New	7/28/2023	9(c)	Cause or allow open burning
New	2/11/2025	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
New	2/11/2025	21(w)	Clean or general construction or demolition debris or uncontaminated soil generation, transportation, or recycling requirements

Attachment Listing

Type	Description
NONE	

Site Diagram



Digital Photographs



Bureau Id: 1050605136
Photo No.: 1
Photo Date: 2/11/2025
Photo Time: 1:02:48 PM
Direction: East
Taken By: Dawn Smith

Woodland habitat for rabbits.



Bureau Id: 1050605136
Photo No.: 2
Photo Date: 2/11/2025
Photo Time: 1:05:39 PM
Direction: West
Taken By: Dawn Smith

Tires with water collected.



Bureau Id: 1050605136
Photo No.: 3
Photo Date: 2/11/2025
Photo Time: 1:05:48 PM
Direction: West
Taken By: Dawn Smith

Closeup of tire with water collected.



Bureau Id: 1050605136
Photo No.: 4
Photo Date: 2/11/2025
Photo Time: 1:07:31 PM
Direction: East
Taken By: Dawn Smith

Burn barrels with remnants of garbage.



Bureau Id: 1050605136
Photo No.: 5
Photo Date: 2/11/2025
Photo Time: 1:11:06 PM
Direction: North
Taken By: Dawn Smith

Tires with water collected.



Bureau Id: 1050605136
Photo No.: 6
Photo Date: 2/11/2025
Photo Time: 1:13:14 PM
Direction: North
Taken By: Dawn Smith

Open dumped demolition debris.



Bureau Id: 1050605136
Photo No.: 7
Photo Date: 2/11/2025
Photo Time: 1:14:29 PM
Direction: East
Taken By: Dawn Smith

Open dumped demolition debris.



Bureau Id: 1050605136
Photo No.: 8
Photo Date: 2/11/2025
Photo Time: 1:15:33 PM
Direction: West
Taken By: Dawn Smith

Burn pile including remnants of tires and demolition debris such as shingles etc.



Bureau Id: 1050605136
Photo No.: 9
Photo Date: 2/11/2025
Photo Time: 1:17:14 PM
Direction: West
Taken By: Dawn Smith

Burn pile including demolition debris
such as shingles etc.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

IEPA DOCKET NO.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

vs.

Robert Shay,
Respondent

AFFIDAVIT

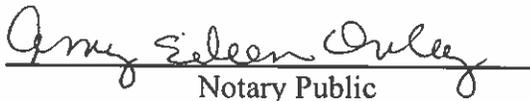
Affiant, Dawn Smith, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Bureau of Land of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On February 11, 2025, between 12:54PM and 1:26PM, Affiant conducted an inspection of the site in Livingston County, Illinois, known as Shay Robert, located at 21960 N. 1200 E. Rd., Pontiac, IL 61764, and designated Bureau of Land Site # 1050605136.
3. Affiant inspected said site by an on-site inspection, which included walking the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report 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 site.

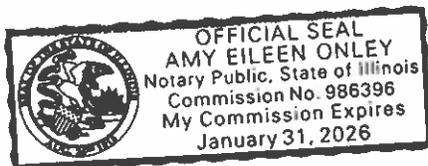


Dawn Smith

Subscribed and Sworn to before me
this 13 day of February,
2025.



Notary Public



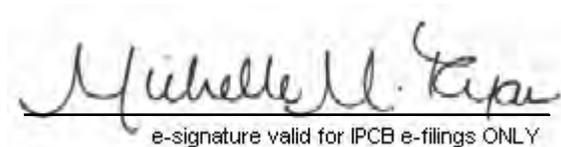
PROOF OF SERVICE

I hereby certify that I did on the 19th day of March 2025, serve 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: Robert Shay
21960 N. 1200 East Road
Pontiac, IL 61764

and the original via electronic filing on March 19, 2025

To: Don Brown, Clerk
Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago, IL 60605



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
2520 West Iles Avenue
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544