

ILLINOIS POLLUTION CONTROL BOARD  
January 16, 2020

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 20-01
	)	(IEPA No. 131-19-AC)
SAMMY J. SHAFER, an individual, TAMMY	)	(Administrative Citation)
J. SHAFER, an individual, AND S. SHAFER	)	
EXCAVATING INC., an Illinois corporation,	)	
	)	
Respondents.	)	

OPINION AND ORDER OF THE BOARD (by C.M. Santos):

On October 3, 2019, the Illinois Environmental Protection Agency (IEPA) timely filed an administrative citation (AC) against Sammy J. Shafer, Tammy J. Shafer and S. Shafer Excavating Inc. (Shafer Excavating) (collectively, respondents). *See* 415 ILCS 5/31.1(c) (2018); 35 Ill. Adm. Code 101.300(b), 108.200(b)(3). The administrative citation concerns a facility owned by Sammy J. Shafer and Tammy J. Shafer and operated by S. Shafer Excavating, Inc. located near the intersection of Route 159 and Brookhaven Drive in Caseyville, St. Clair County. The property is commonly known to IEPA as the “Caseyville/S Shafer Excavating & Demolition” site and is designated with Site Code No. 1630255068. IEPA alleged that on August 5, 2019, respondents violated Sections 21(p)(1) and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2018)) by causing or allowing the open dumping of waste resulting in litter and the deposition of construction or demolition debris. The AC requested a civil penalty of \$3,000. AC at 2, citing 415 ILCS 5/42(b)(4-5) (2018).

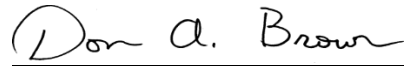
On November 21, 2019, the Board directed IEPA to file proof that it properly served the AC on all three of the respondents by December 23, 2019.

On December 19, 2019, IEPA filed a motion to withdraw the AC (Mot.). IEPA states that Shafer Excavating “paid the requested penalty in this case prior to the Board’s November 21, 2019 order.” Mot. at 2. IEPA adds that “facts and circumstances discovered since the filing of the Administrative Citation indicate that it is appropriate to withdraw this Administrative Citation at this time.” *Id.*

The Board grants IEPA’s motion, dismisses the case, and closes the docket.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on January 16, 2020, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk  
Illinois Pollution Control Board