

RECEIVED
CLERK'S OFFICE

FEB 18 2004

STATE OF ILLINOIS
Pollution Control Board

AC 04-48

INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **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 to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**
CLERK'S OFFICE

ADMINISTRATIVE CITATION

FEB 18 2004

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

RUSSELL V. WELLER, EVELYN
L. WELLER and SPRINGFIELD
IRON AND METAL CO., INC.,

Respondents.

STATE OF ILLINOIS
Pollution Control Board

AC 04-48

(IEPA No. 37-04-AC)

NOTICE OF FILING

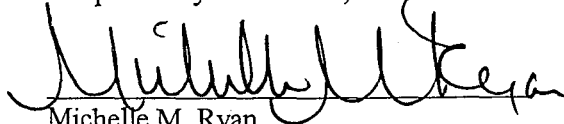
To: Russell V. and Evelyn L. Weller
931 Lawndale
Springfield, Illinois 62707

Springfield Iron & Metal Co., Inc.
Russell V. Weller, President
930 Wolfe Street
Springfield, Illinois 62702

Kevin Linder, Attorney
300 East Iles, Suite C
Springfield, Illinois 62703

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
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: February 5, 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

FEB 18 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

RUSSELL V. WELLER, EVELYN
L. WELLER and SPRINGFIELD
IRON AND METAL CO., INC.,

Respondents.

AC

04 48
(IEPA No. 37-04-AC)

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 (2002).

FACTS

1. That Russell V. Weller and Evelyn L. Weller ("Respondents") are the present owners of a facility located at 930 Wolfe Street, Springfield, Sangamon County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Springfield/Springfield Iron and Metal.

2. That Springfield Iron and Metal Co., Inc. ("Respondent") operates an active junkyard on the property. Russell V. Weller is the Registered Agent and President of the Company.

3. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1671205737.

4. That Respondents have owned and operated said facility at all times pertinent hereto.

5. That on December 19, 2003, Jan Mier of the Illinois Environmental Protection Agency's Springfield 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.

VIOLATIONS

Based upon direct observations made by Jan Mier during the course of her December 19, 2003 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) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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 One Thousand Five Hundred Dollars (\$1,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than March 1, 2004, 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 (2002), 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) (2002), if Respondents fail 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, 1021 North Grand Avenue East, 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 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

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 (2002). If Respondent elects to contest this Administrative Citation, then Respondent 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 Respondent.

Renee Cipriano
Renee Cipriano, Director *by wcc*
Illinois Environmental Protection Agency

Date: 2/5/04

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.

RUSSELL V. WELLER, EVELYN
L. WELLER and SPRINGFIELD
IRON AND METAL CO., INC.,

Respondents.

AC

(IEPA No. 37-04-AC)

FACILITY: Springfield/Springfield Iron and Metal

SITE CODE NO.: 1671205737

COUNTY: Sangamon

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: December 19, 2003

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

IN THE MATTER OF:)

)
Springfield Iron and Metal)

Russel V. Weller)

Evelyn L. Weller)

Respondents.)

IEPA DOCKET NO.

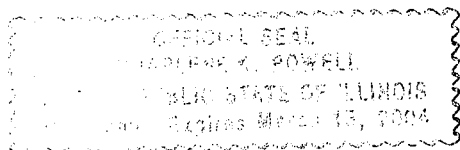
Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On December 19, 2003 between 9:10 a.m. and 9:55 a.m., Affiant conducted an inspection of an open dump, located in Sangamon County, Illinois and known as *Springfield/Springfield Iron and Metal* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC#1671205737 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and 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 said *open dump*.

Jan Mier

Subscribed and Sworn to Before Me
this 15th day of January, 2004

Charlene K. Powell
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: SANGAMON LPC#: 1671205737 Region: 5

Location/Site Name: SPRINGFIELD/SPRINGFIELD IRON AND METAL

Date: 12/19/03 Time: From 9:10 AM To 9:55 AM Previous Inspection Date: 10/29/02

Inspector(s): JAN MIER, ALLEN ALEXANDER-SCDPH Weather: 35 F, OVERCAST

No. of Photos Taken: # 9 Est. Amt. of Waste: 75 yds³ Samples Taken: Yes # No X

Interviewed: RUSSELL WELLER III, OPERATOR Complaint #:

Responsible Party
Mailing Address(es)
and Phone
Number(s):

RUSSELL V. AND EVELYN L. WELLER
931 LAWDALE
SPRINGFIELD, IL 62707

SPRINGFIELD IRON AND METAL CO., INC.
930 WOLFE STREET
SPRINGFIELD, IL 62702

RECEIVED
JAN 16 2004

EPA-DLPC

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input 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	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	X
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
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 AND REGULATIONS	X
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	X
	(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 # 1671205737

Inspection Date: 12/19/03

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	X
	(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	X
11.	722.111	HAZARDOUS WASTE DETERMINATION	X
12.	808.121	SPECIAL WASTE DETERMINATION	X
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"/>

Jan Mier

Signature of Inspector(s)

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
Inspection Narrative**

LPC#1671205737 - Sangamon County
Springfield/Springfield Iron and Metal
Inspection Date – 10/29/02
Inspector – Jan Mier
FOS File

On December 19, 2003, Allen Alexander, Sangamon County Dept. of Public Health (SCDPH), and I conducted a re-inspection at the above-referenced site. Previous inspections occurred on 7/12/01, 11/27/01, 12/14/01 and 10/29/03. A Violation Notice (#L-2001-015) had been sent to Springfield Iron and Metal by SCDPH, on October 16, 2001, giving them until November 15, 2001 to submit a Tire Removal Agreement and a contingency plan to the IEPA and within 30 days of receipt of the VN to remove open dumped waste. Order No. 03-OV-93 was entered on October 7, 2003 by the Circuit Court of the Seventh Judicial Circuit of Sangamon County. The order, which addresses Sangamon County Ordinance violations, does not give Springfield Iron and Metal any deadlines for separating out the tires and other non-salvageable waste and properly disposing of it. This site notified as a storage site of used/waste tires and paid the annual \$100.00 fee, but the application was incomplete and returned to the owner, Russell Weller, for re-submission. The notification had not been received by the Illinois EPA as of 12/20/03. They do not sell used tires at retail.

I arrived at 9:30 a.m. and Mr. Alexander arrived shortly thereafter with an intern. I photographed three used tires that were off the rim and sitting outside the gate (see photo #001). We went to the salvage yard office and told Russell Weller III we were there. He told us to look around and if we had any questions, to see him when we were done. I asked an employee to open the semi trailer out front. He did so. It appeared to contain approximately 200 used tires (see photo #002). Flagg Trucking owns the trailer and is notified when the trailer is full. Note: the trailer was not properly placarded with the used tire registration number or expiration date (see photo #003).

Mr. Alexander and I walked the lot of the salvage yard and I observed used tires both on and off rim scattered throughout the site. Lumber, countertops and other waste not related to the salvaging business were also observed (see photo #004 and photo #005). There were three piles of used tires on site as well. Photo #006 shows one pile of off rim used tires. Photo #007 shows the second pile of off rim used tires. Photo #008 shows the third pile, as well as some plastic mixed in with the salvage material. The fence along the southeast property line was pushed over and metal and used tires were deposited on the ICG railroad's property (see photos #007 - #009). It will be extremely hard to determine exactly how many used tires are on site until the piles of metal are sorted through, but my estimate is approximately 450 used tires, mostly car, that are both on and off rim.

We returned to the office and spoke to Russell Weller III. I asked Mr. Weller for receipts from the last used tire disposal and he stated he did not know where they were. I called

Flagg Trucking when I returned to the office and they said the last shipment of used tires out was on 9/27/02. Mr. Alexander observed there had been some improvement in the removal of waste not related to the salvaging business and asked about the analysis on the stained ground near the office. Mr. Weller said they would get to it in the future.

We departed at 9:55 a.m. Violations observed at the time of the inspection are noted on the attached checklist.

cc: DLPC/FOS – Springfield Region
SCDPH- Allen Alexander

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

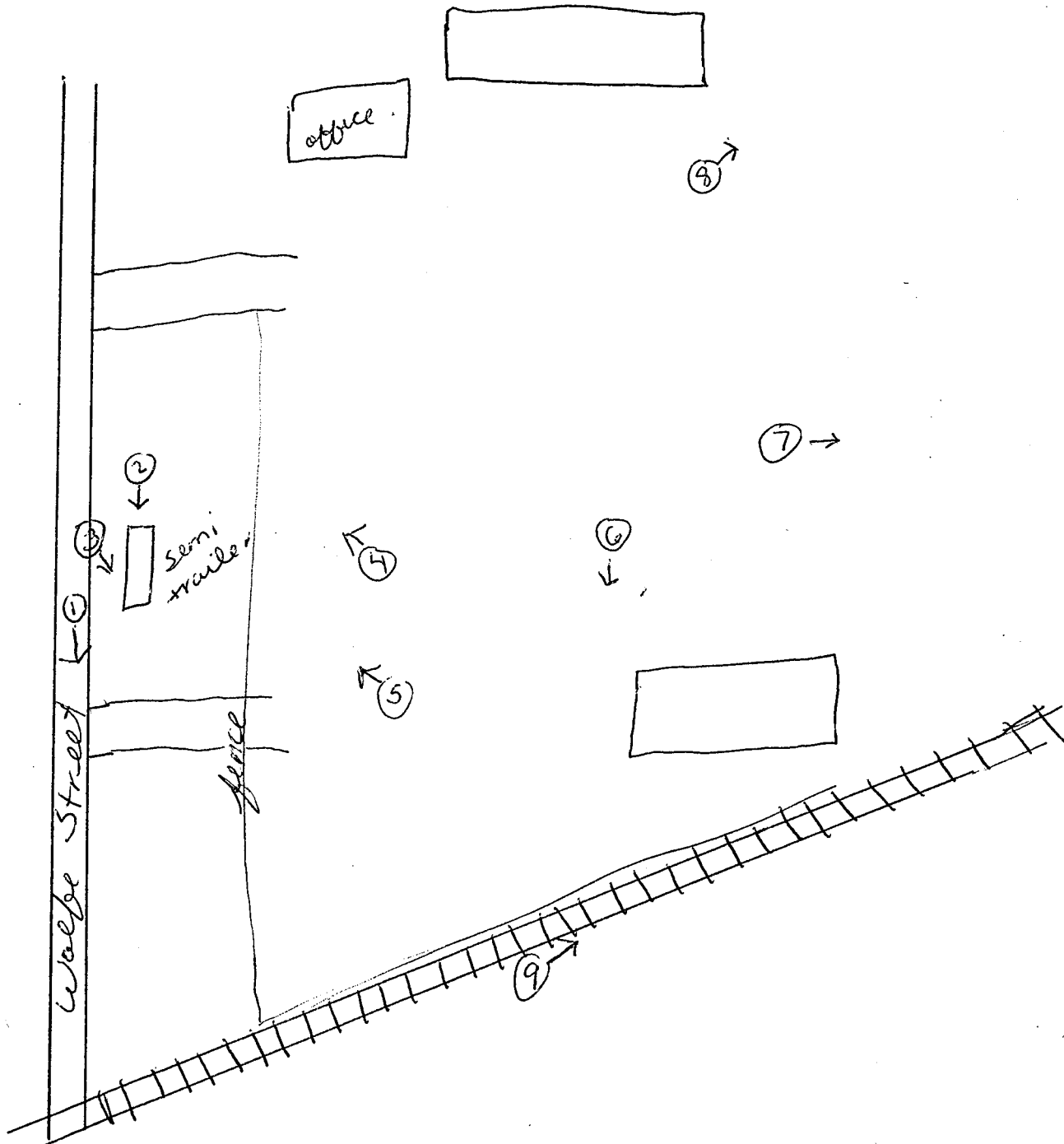
SITE SKETCH

Date of Inspection: 12/19/03
Site Code: LPC#1671205737
Site: Springfield/Springfield Iron & Metal

Inspector: Jan Mier
County: Sangamon
Time: 9:10 a.m. - 9:55 a.m.

Measurements Approximate
Direction of Photo →
Not to Scale

NORTH





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC #1671205737 — Sangamon County
Springfield/Springfield Iron and Metal
FOS File**

Date: 12/19/03
Time: 9:11 a.m.
Direction: S
Photo by: Jan Mier
Photo File Name:
1671205737~12192003-001
Comments:

Off rim tires laying outside of gate



Date: 12/19/03
Time: 9:15 a.m.
Direction: S
Photo by: Jan Mier
Photo File Name:
1671205737~12192003-002
Comments:

Semi trailer from Flagg Trucking
filled about half full





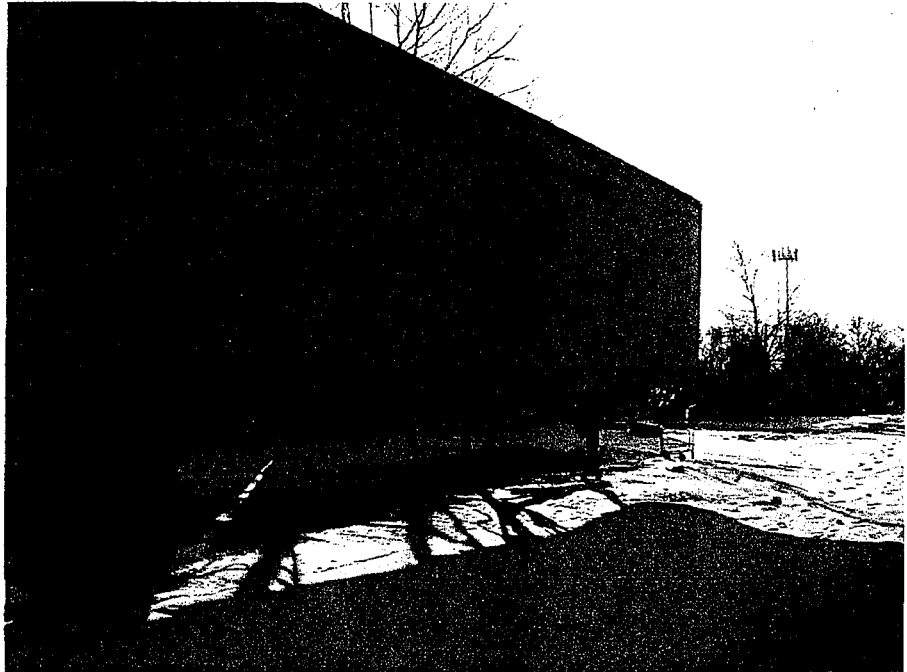
Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC #1671205737 — Sangamon County
Springfield/Springfield Iron and Metal
FOS File**

Date: 12/19/03
Time: 9: 16 a.m.
Direction: SE
Photo by: Jan Mier
Photo File Name:
1671205737~12192003-003
Comments:

Semi trailer with no tire hauling
registration information



Date: 12/19/03
Time: 9:20 a.m.
Direction: NW
Photo by: Jan Mier
Photo File Name:
1671205737~12192003-004
Comments:

Waste tires mixed with salvage
material and other waste





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC #1671205737 — Sangamon County
Springfield/Springfield Iron and Metal
FOS File**

Date: 12/19/03
Time: 9:25 a.m.
Direction: NW
Photo by: Jan Mier
Photo File Name:
1671205737~12192003-005
Comments:

Waste tires mixed with salvage
material and other waste



Date: 12/19/03
Time: 9:27 a.m.
Direction: S
Photo by: Jan Mier
Photo File Name:
1671205737~12192003-006
Comments:

Off rim tires open dumped





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC #1671205737 — Sangamon County
Springfield/Springfield Iron and Metal
FOS File**

Date: 12/19/03

Time: 9:33 a.m.

Direction: E

Photo by: Jan Mier

Photo File Name:

1671205737~12192003-007

Comments:

Off rim tires open dumped



Date: 12/19/03

Time: 9:36 a.m.

Direction: NE

Photo by: Jan Mier

Photo File Name:

1671205737~12192003-008

Comments:

Off rim tires





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1671205737 — Sangamon County
Springfield/Springfield Iron and Metal
FOS File

Date: 12/19/03

Time: 9:51 a.m.

Direction: NE

Photo by: Jan Mier

Photo File Name:

1671205737~12192003-009

Comments:

Waste tires mixed with salvage
material and other waste



1671205737~12192003.doc

PROOF OF SERVICE

I hereby certify that I did on the 5th day of February 2004, 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

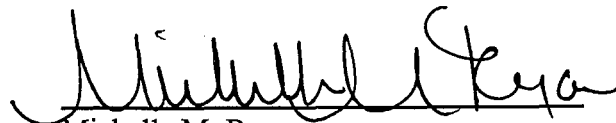
To: Russell V. and Evelyn L. Weller
931 Lawndale
Springfield, Illinois 62707

Springfield Iron & Metal Co., Inc.
Russell V. Weller, President
930 Wolfe Street
Springfield, Illinois 62702

Kevin Linder, Attorney
300 East Iles, Suite C
Springfield, Illinois 62703

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



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING SUBMITTED ON RECYCLED PAPER