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CLERK'S OFFICE

MAY 27 2004

STATE OF ILLINOIS
Pollution Control Board

AC04-80

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.**

MAY 27 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

JOSEPH LUPARELL and TROY CURLEY,

Respondents.

AC

04-80

(IEPA No. 271-04-AC)

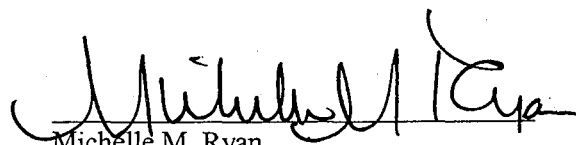
NOTICE OF FILING

To: Joseph Luparell
999 Clear Lake Road
Dawson, IL 62560

Troy Curley
816 McCleary Avenue
Springfield, IL 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: May 25, 2004

MAY 27 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,)

Complainant,)

v.)

JOSEPH LUPARELL and TROY CURLEY,)

Respondents.)

AC 0480

(IEPA No. 271-04-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 Joseph Luparell is the present owner and Troy Curley is the present operator (collectively "Respondents") of a facility located at 2193 J. David Jones Parkway (Frontage Road), Springfield, Sangamon County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Springfield/Luparell.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1678220029.

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

4. That on April 12, 2004, 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 April 12, 2004 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 June 30, 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

Respondents have 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 Respondents elect 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 Respondents.

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

Date: 5/25/04

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.

JOSEPH LUPARELL and TROY CURLEY,

Respondents.

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(IEPA No. 271-04-AC)

FACILITY: Springfield/Luparell

SITE CODE NO.: 1678220029

COUNTY: Sangamon

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: April 12, 2004

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:)

JOSEPH LUPARELL)

Respondent.)

IEPA DOCKET NO.

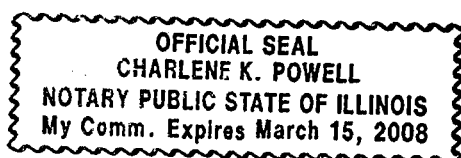
Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

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 April 12, 2004 between 11:40 a.m. and 12:00 p.m., Affiant conducted an inspection of an open dump, located in Sangamon County, Illinois and known as *Springfield/Luparell* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC#1678220029 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 13th day of May, 2004

Charlene K. Powell
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Tire Disposal Site Inspection Checklist

County: SANGAMON LPC#: 1678220029 Region: 5 - Springfield
 City/Facility Name: SPRINGFIELD/LUPARELL
 Facility Location: 2193 J. DAVID JONES PARKWAY (FRONTAGE ROAD), Telephone: 217/364-5500
SPFLD, IL
 Date: 4/12/04 Time: From 11:40 To 12:00 Previous Inspection Date: 12/1/03
AM PM
 Inspector(s): JAN MIER No. of Photos Taken: # 11
 Weather 45 F, OVERCAST No. of Samples Taken: 0
 Interviewed: NO ONE ON SITE Complaint #: C-04-037-C
 Owner: _____ Operator: _____

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MAY 17 2004

300

Estimated Number of Used Tires Located At This Facility

SECTION	DESCRIPTION	IEPA-DLPC	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 <input checked="" type="checkbox"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE		<input checked="" type="checkbox"/>
6. 21(d)	CONDUCT A WASTE-STORAGE, TREATMENT, OR DISPOSAL OPERATION:		
(1)	without a permit granted by the Agency Note: cite only at tire disposal sites where tires are <u>first</u> disposed after 1/1/92. Also Mark 848.501(c), and 812.101(a) in <input type="checkbox"/> Other Requirements <input type="checkbox"/> . Also cite when other <u>off-site generated</u> waste has been disposed		<input checked="" type="checkbox"/>
(2)	in violation of any regulations or standards adopted by the Board under this Act Note: Also Mark appropriate Violations of Part 848		<input checked="" type="checkbox"/>
7. 21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE EXCEPT AT A SITE WHICH MEETS THE REQUIREMENTS OF THIS ACT AND REGULATIONS. Note: Also Mark appropriate Violations of Part 848		<input checked="" type="checkbox"/>
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		<input checked="" type="checkbox"/>
(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"/>
(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris		<input type="checkbox"/>
9. 55(a)	NO PERSON SHALL:		

LPC #:
Date:

	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
	(3)	Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property	<input checked="" type="checkbox"/>
	(6)	Fail to submit required reports or tire removal agreements	<input checked="" type="checkbox"/>
10.	55(c)	FAILURE TO FILE THE REQUIRED NOTIFICATION WITH THE AGENCY BY 1/1/90 OR WITHIN 30 DAYS OF COMMENCEMENT OF THE DISPOSAL ACTIVITY.	<input checked="" type="checkbox"/>
11.	55(d)(2)	CAUSING OR ALLOWING THE OPERATION OF A TIRE DISPOSAL SITE WITHOUT SUBMITTING, AND RECEIVING WRITTEN APPROVAL OF, A TIRE REMOVAL AGREEMENT, OR HAVING ENTERED INTO A CONSENSUAL REMOVAL AGREEMENT.	<input checked="" type="checkbox"/>
12.	55(e)	CAUSE OR ALLOW THE DISPOSAL OF ANY USED OR WASTE TIRE IN VIOLATION OF ANY REGULATION OR STANDARD ADOPTED BY THE BOARD Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
13.	55(f)	ARRANGE FOR THE TRANSPORTATION OF USED OR WASTE TIRES AWAY FROM THE SITE OF GENERATION WITH A PERSON KNOWN TO OPENLY DUMP SUCH TIRES	<input type="checkbox"/>
14.	55(g)	NO PERSON SHALL ENGAGE IN ANY OPERATION AS A USED OR WASTE TIRE TRANSPORTER EXCEPT IN COMPLIANCE WITH BOARD REGULATIONS. Note: Also Mark a Violation of Subpart F	<input type="checkbox"/>
15.	55(h)	CAUSE OR ALLOW THE COMBUSTION OF ANY USED OR WASTE TIRE IN AN ENCLOSED DEVICE UNLESS A PERMIT HAS BEEN ISSUED BY THE AGENCY	<input type="checkbox"/>
16.	55(i)	CAUSE OR ALLOW THE USE OF PESTICIDES TO TREAT TIRES EXCEPT AS PRESCRIBED BY BOARD REGULATIONS. Note: Also Mark a Violation of 848.205	<input type="checkbox"/>
17.	55(j)	FAILURE TO COMPLY WITH THE TERMS OF A TIRE REMOVAL AGREEMENT.	<input type="checkbox"/>
18.	55.4	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: a) <input type="checkbox"/> Minimizes the need for further maintenance b) <input type="checkbox"/> Removes all used and waste tires and any residues therefrom; and c) <input type="checkbox"/> Protects human health during the removal and post removal periods. Note: Also Mark a Violation of 848.502	<input type="checkbox"/>
PART 848: SUBPART B: MANAGEMENT STANDARDS			
19.	848.202(b)	AT SITES AT WHICH MORE THAN 50 USED OR WASTE TIRES ARE LOCATED THE OWNER OR OPERATOR SHALL:	
	(1)	NOT Place on or Accumulate Any Used or Waste Tire in Any Pile Outside of Any Building Unless the Pile Is Separated from All Other Piles by 25 Feet and Aisle Space Is Maintained To Allow the Unobstructed Movement of Personnel and Equipment	<input type="checkbox"/>
	(2)	NOT Accumulate Any Used or Waste Tire in Any Area Located Outside of Any Building Unless the Accumulation is Separated from All Buildings, Whether on or off the Site, by 25 Feet	<input type="checkbox"/>
	(3)	NOT Place On or Accumulate Any Used or Waste Tire in Any Pile Which is Less than 250 Feet from any Potential Ignition Source, including Cutting and Welding Devices, and Open Fires Unless All Such Activities are Carried Out Within A Building	<input type="checkbox"/>
	(4)	Drain Any Used or Waste Tire on the Day of Generation or Receipt	<input type="checkbox"/>
	(6)	NOT Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property in Illinois	<input checked="" type="checkbox"/>
	(7)	NOT Accept Any Used or Waste Tires from a Vehicle in Which More than 20 Tires Have Been Loaded Unless the Vehicle Displays a Tire Transporter Placard.	<input type="checkbox"/>
	(8)	NOT Accumulate Any Tires in an Area with a Grade Exceeding 2% Without Meeting the Requirements of 848.202(d)(3)	<input type="checkbox"/>

LPC #: 1678220029

Date: 4/12/04

20.	848.202(c)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN 848.202(b), THE OWNER OR OPERATOR OF A SITE AT WHICH MORE THAN 500 USED OR WASTE TIRES ARE LOCATED SHALL:	
	(1)	Maintain a Contingency Plan Which Meets the Requirements of 848.203	<input checked="" type="checkbox"/>
	(2)	Meet the Record keeping requirements of Part 848 Subpart C Note: Also Mark a Violation of Subpart C	<input checked="" type="checkbox"/>
	(3)	Maintain waste tire piles separated from grass, weeds, brush, over-hanging tree limbs, and similar vegetative growth by no less than 50 feet.	<input checked="" type="checkbox"/>
21.	848.202(d)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN 848.202(b) and (c), THE OWNER OR OPERATOR AT SITES AT WHICH MORE THAN 10,000 USED OR WASTE TIRES ARE LOCATED SHALL COMPLY WITH THE FOLLOWING:	
	(2)	The entrance shall be controlled at all times by an attendant, locked entrance, television monitors, controlled roadway access or other equivalent mechanisms.	<input type="checkbox"/>
22.	848.203	CONTINGENCY PLAN REQUIREMENTS FOR DISPOSAL SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of 848.203. Note: Also Mark a Violation of 848.203(b), (c), (d), (e), (f), (g), or (h)	<input checked="" type="checkbox"/>
	(b)	The contingency plan must be designed to minimize the hazard to human health and the environment from fires and run-off of contaminants resulting from fires and from disease spreading mosquitos and other nuisance organisms which may breed in water accumulations in used or waste tires.	<input type="checkbox"/>
	(c)	Immediately implement the contingency plan provisions whenever there is a fire or run-off resulting from a tire fire, or whenever there is evidence of mosquito production.	<input type="checkbox"/>
	(d)	The contingency plan must describe the actions that must be taken in response to fires, run-off resulting from tire fires and mosquito breeding in used or waste tires.	<input type="checkbox"/>
	(e)	The contingency plan must include evacuation procedures for site personnel, including signals, evacuation routes and alternate evacuation routes as well as provisions for pesticide application.	<input type="checkbox"/>
	(f)	The contingency plan must be maintained at the site and submitted to state and local authorities.	<input type="checkbox"/>
	(g)	The contingency plan must be reviewed and amended within 30 days if the plan fails or the emergency coordinator changes.	<input type="checkbox"/>
	(h)	At all times, there must be one emergency coordinator on site or on call with responsibility for coordinating emergency response procedures. The emergency coordinator must be familiar with the plan and all aspects of the site, and have the authority to commit the resources to carry out the plan.	<input type="checkbox"/>
STORAGE OF USED AND WASTE TIRES WITHIN BUILDINGS AT TIRE DISPOSAL SITES			
23.	848.204(a)	FAILURE TO MEET THE REQUIREMENTS OF SECTION 848.204 Note: Also Mark a Violation of 848.204(b), (c), or (d)	<input type="checkbox"/>
24.	848.204(b)	STORAGE OF LESS THAN 500 TIRES WITHIN A BUILDING ALLOWED IF: (1) <input type="checkbox"/> Tires Drained of All Water Prior to Placement in the Building (2) <input checked="" type="checkbox"/> All of the Building's Windows and Doors Maintained in Working Order and Secured to Prevent Unauthorized Access. (3) <input type="checkbox"/> The Building Is Maintained So That it Is Fully Enclosed and Has a Roof and Sides Which Are Impermeable to Precipitation (4) <input type="checkbox"/> The Storage of Used or Waste Tires Is not in a Single Family Home or a Residential Dwelling	<input checked="" type="checkbox"/>
25.	848.204(c)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN SECTION 848.204(b), THE OWNER OPERATOR OF A SITE WITH 500 OR MORE USED OR WASTE TIRES STORED WITHIN BUILDINGS SHALL:	
	(1)	Develop a tire storage plan in consultation with fire officials meeting the requirements of: 848.204 (c)(1) (A) <input type="checkbox"/> considering the type of building to be used for the tire storage. (B) <input type="checkbox"/> the plan shall include, but not be limited to, tire storage arrangement; aisle space; clearance distances between tire piles and sprinkler deflectors; and access to fire fighting personnel and equipment (C) <input type="checkbox"/> a copy of the plan shall be filed with the Agency within 60 days of and implemented within 14 days of filing with the Agency.	<input type="checkbox"/>

LPC #:

Date:

	(2)	Have and maintain a contingency plan which meets the requirements of Section 848.203	<input type="checkbox"/>
	(3)	Meet the record keeping and reporting requirements of Subpart C Note: Also Mark a Violation of Subpart C	<input type="checkbox"/>
26.	848.204(d)	A BUILDING THAT STORES MORE THAN 10,000 USED OR WASTE TIRES, AND WAS CONSTRUCTED AFTER 5/10/91, FOR THE PRIMARY PURPOSE OF STORING USED OR WASTE TIRES, SHALL COMPLY WITH THE NFPA 231D BUILDING STANDARD.	<input type="checkbox"/>
PESTICIDE TREATMENT			
27.	848.205	OWNERS OR OPERATORS OF TIRE DISPOSAL SITES TREATING USED OR WASTE TIRES WITH PESTICIDES PURSUANT TO THIS PART OF TITLE XIV OF THE ACT (SHALL):	
	(a)	Use a Pesticide Labeled for Control of Mosquito Larvae Unless an Adult Mosquito Problem is Identified	<input type="checkbox"/>
	(b)	Maintain a record of pesticide use at the site which shall include for each application: (1) <input type="checkbox"/> Date of Pesticide Application (2) <input type="checkbox"/> Number of Used or Waste Tires Treated (3) <input type="checkbox"/> Amount of Pesticide Applied (4) <input type="checkbox"/> Type of Pesticide Used	<input type="checkbox"/>
	(c)	Notify the Agency of Pesticide Use Within 10 Days of Each Application. Notification shall include the information in 848.205(b).	<input type="checkbox"/>
28.	848.205(d)	Persons Applying Pesticides to Used and Waste Tires Must Comply with the Requirements of the Illinois Pesticide Act (Ill. Rev. Stat. 1989, ch. 5, par. 801 et seq.)	<input type="checkbox"/>
PART 848: SUBPART C: RECORD KEEPING AND REPORTING Note: Applies to Disposal Sites with 500 or more Used or Waste Tires			
29.	848.302(a)	The owner/operator shall keep on site a: (1) <input checked="" type="checkbox"/> Daily Tire Record (2) <input checked="" type="checkbox"/> Annual Tire Summary	<input checked="" type="checkbox"/>
30.	848.303(a)	FAILURE TO MAINTAIN A DAILY TIRE RECORD THAT INCLUDES: <input type="checkbox"/> Day of the Week <input type="checkbox"/> Date <input type="checkbox"/> Agency Site Number <input type="checkbox"/> Site Name and Address	<input type="checkbox"/>
31.	848.303(b)	FAILURE TO RECORD IN THE DAILY TIRE RECORD THE FOLLOWING INFORMATION (1) <input type="checkbox"/> Weight or volume of used or waste tires received at the site during the operating day. (2) <input type="checkbox"/> Weight or volume of used or waste tires transported from the site and the destination of the tires so transported. (3) <input type="checkbox"/> Total number of used or waste tires remaining in storage at the conclusion of the day. (4) <input type="checkbox"/> Weight or volume of used or waste tires burned or combusted during the day.	<input type="checkbox"/>
32.	848.304	FAILURE TO MAINTAIN ON SITE AN ANNUAL TIRE SUMMARY FOR EACH CALENDAR YEAR THAT INCLUDES:	
	(a)	The site number, name and address and the calendar year for which the summary applies.	<input type="checkbox"/>
	(b)(1)	The weight or volume of tires received	<input type="checkbox"/>
	(b)(2)	The weight or volume of tires transported from the site	<input type="checkbox"/>
	(b)(4)	The weight or volume of used or waste tires combusted during the calendar year	<input type="checkbox"/>
33.	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input type="checkbox"/>
34.	848.305	FAILURE TO RETAIN REQUIRED RECORDS ON SITE FOR 3 YEARS	<input type="checkbox"/>
PART 848: SUBPART D: FINANCIAL ASSURANCE NOTE: Applies to sites which have disposed 50 or more used or waste tires, and which do not have written approval of a tire removal agreement, per 848.208			
35.	848.400(b)(1)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR AFTER 1/1/92, FAILURE TO COMPLY WITH SUBPART D PRIOR TO DISPOSING ANY USED OR WASTE TIRES Note: Also Mark a Violation of 848.401 or 848.404	<input checked="" type="checkbox"/>

LPC #: 1678220029
Date: 4/12/04

36.	848.400(b)(2)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE DISPOSED PRIOR TO 1/1/92, FAILURE TO COMPLY WITH SUBPART D BY 1/1/92. Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
37.	848.401(a)	FAILURE TO MAINTAIN FINANCIAL ASSURANCE EQUAL TO OR GREATER THAN THE CURRENT COST ESTIMATE CALCULATED PURSUANT TO SECTION 848.404 AT ALL TIMES, EXCEPT AS OTHERWISE PROVIDED BY 848.401 (b).	<input type="checkbox"/>
38.	848.401(b)	FAILURE TO INCREASE THE TOTAL AMOUNT OF FINANCIAL ASSURANCE SO AS TO EQUAL THE CURRENT COST ESTIMATE WITHIN 90 DAYS AFTER ANY OF THE FOLLOWING: (1) <input type="checkbox"/> an increase in the current cost estimate (2) <input type="checkbox"/> a decrease in the value of a trust fund (3) <input type="checkbox"/> a determination by the Agency that an owner or operator no longer meets the financial test of Section 848.415 (4) <input type="checkbox"/> notification by the owner or operator that the owner or operator intends to substitute alternative financial assurance, as specified in Section 848.406 for self-insurance	<input type="checkbox"/>
39.	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL USED OR WASTE TIRES.	<input checked="" type="checkbox"/>
40.	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
PART 848: SUBPART E: TIRE REMOVAL AGREEMENTS			
41.	848.501(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR BEFORE 1/1/92, THE OWNER/OPERATOR SHALL OBTAIN BY 1/1/92 WRITTEN APPROVAL FROM THE AGENCY OF A TIRE REMOVAL AGREEMENT SUBMITTED PURSUANT TO THIS SUBPART.	<input type="checkbox"/>
42.	848.501(c)	FAILURE TO FIRST OBTAIN A LANDFILL PERMIT FROM THE AGENCY FOR TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92.	<input checked="" type="checkbox"/>
43.	848.502	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: (a) <input type="checkbox"/> Minimizes the need for further maintenance (b) <input type="checkbox"/> Removes all used and waste tires and any residues therefrom; and (c) <input type="checkbox"/> Protects human health during the removal and post removal periods.	<input type="checkbox"/>
44.	848.506(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92, THE OWNER/OPERATOR SHALL SUBMIT A PROPOSED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER RECEIPT OF THE KNOWN FINAL VOLUME OF USED TIRES.	<input checked="" type="checkbox"/>
45.	848.506(b)	THE OWNER OPERATOR SHALL BEGIN REMOVAL OF USED AND WASTE TIRES IN ACCORDANCE WITH THE APPROVED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER WRITTEN AGENCY APPROVAL, UNLESS THE TIRE REMOVAL AGREEMENT SPECIFIES OTHERWISE	<input type="checkbox"/>
PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS			
46.	848.601(a)	NO PERSON SHALL TRANSPORT MORE THAN 20 USED OR WASTE TIRES IN A VEHICLE UNLESS THE FOLLOWING REQUIREMENTS ARE MET: (1) <input type="checkbox"/> the owner or operator has registered the vehicle with the Agency in accordance with Subpart F, received approval of such registration from the Agency, and such registration is current, valid and in effect (2) <input type="checkbox"/> the owner or operator displays a placard on the vehicle, issued by the Agency following registration, in accordance with the requirements of Subpart F.	<input type="checkbox"/>
47.	848.601(b)	NO PERSON SHALL PROVIDE, DELIVER OR TRANSPORT USED OR WASTE TIRES TO A TIRE TRANSPORTER FOR TRANSPORT UNLESS THE TRANSPORTER'S VEHICLE DISPLAYS A PLACARD ISSUED BY THE AGENCY UNDER SUBPART F IDENTIFYING THE TRANSPORTER AS A REGISTERED TIRE HAULER.	<input type="checkbox"/>
48.	848.606(a)	UPON APPROVAL OF A REGISTRATION AS A TIRE TRANSPORTER, THE OWNER OR OPERATOR OF ANY VEHICLE REGISTERED TO TRANSPORT USED OR WASTE TIRES SHALL PLACE A PLACARD ON OPPOSITE SIDES OF THE VEHICLES WHICH DISPLAYS A NUMBER ISSUED BY THE AGENCY FOLLOWING THE WORDS "Registered Tire Transporter: (number)."	<input type="checkbox"/>
49.	848.606(b)	REGISTERED TIRE TRANSPORTER NUMBERS AND LETTERS SHALL BE REMOVABLE ONLY BY DESTRUCTION. DIRECTLY ADJACENT TO THE WORDS AND NUMBER, THE VEHICLE OWNER AND OPERATOR SHALL DISPLAY A SEAL FURNISHED BY THE AGENCY WHICH SHALL DESIGNATE THE DATE ON WHICH THE REGISTRATION EXPIRES.	<input type="checkbox"/>

LPC #:

Date:

OTHER REQUIREMENTS			
50.	§12.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL -	<input checked="" type="checkbox"/>
51.		APPARENT VIOLATION OF: <input type="checkbox"/> PCB; CASE NUMBER: <input type="checkbox"/> CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
52.	722.111 808.121	FAILURE TO MAKE A HAZARDOUS AND SPECIAL WASTE DETERMINATION	<input type="checkbox"/>

Signature of Inspector(s)

Jan Mier

Informational Notes:

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G, Chapter I, Subchapter m, Part 848.
4. 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 the references listed in #1, #2, and #3 above.
5. 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.
6. 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).
7. Items marked with an "NE" were not evaluated at the time of this inspection.

**Illinois Environmental Protection Agency
Inspection Narrative**

RECEIVED

MAY 1-7 2004

**LPC#1678220029 - Sangamon County
Springfield/Luparell
FOS File**

**Inspection Date: 4/12/04
Inspector: Jan Mier
C-04-037-C**

IEPA-DLPC

On April 12, 2004, I conducted a follow-up inspection at the above referenced site. The site owner, Joseph Luparell, and the site operator, Troy Curley were sent Violation Notices (L-2003-01461 and L-2003-01462, respectively) on January 20, 2004. Mr. Luparell and Mr. Curley were told to remove all solid wastes by April 1, 2004 and either remove all tires, or submit an inventory of the tires and a Tire Removal Agreement by April 1, 2004. A response from Mr. Luparell, received March 1, 2004, stating the tires would be removed by an Illinois EPA registered used tire hauler as soon as weather permitted. He also stated all waste would be removed in three months when the ground is dry. This compliance commitment agreement was rejected in a letter dated March 17, 2004 because no firm time limits were given. Mr. Luparell had telephoned me approximately 3 weeks prior to the inspection, requesting a used tire storage notification form. He stated he wanted to register with the Illinois EPA as a used tire storage site and store tires in the building on site until all the tires could be removed.

I arrived at 11:40 a.m. No one was on site. A pile of about 150 used truck tires, off the rim, were stacked near the front entrance (see photo #001). The area south of the storage building still contained off the rim truck and off-the-road (OTR) used tires (see photo #002 and #003). Photo #004 shows water that had accumulated in one of the tires. Two trailer beds were still on site (see photo #005).

The area west of the storage building still contained used tires scattered about and other waste. A trailer made from the bed of a pick up truck was observed (see photo #006). The sides were made of used mattresses and the bed contained bags of household refuse (see photo #007). Small piles of used off the rim tires were scattered throughout the site such as those shown in photo #008, photo #010 and photo #011. The area is just north of a wetland near Spring Creek.

The racetrack located west of the storage building no longer contained tires, except for three truck and tractor used tires off of the rim (see photo #009). I was unable to enter the storage building to see if there were any tires in there. I am estimated 300 used tires are still on site outside. I departed at 12:00 p.m.

I telephoned Mr. Luparell on March 13, 2004 and asked if there were any tires left in the building. He said a few. He said Tire Shredders had removed about 150 used truck tires on April 10, 2004 and would be returning on April 17, 2004 to get the remaining pile of used truck tires. I asked about the pick up bed filled with garbage bags. He said Mr. Curley had moved the waste from a smaller trailer and he had planned on taking it to the landfill soon. I told Mr. Luparell to send in copies of any receipts he had for disposal of tires and other waste.

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

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 4/12/04
Site Code: LPC#1678220029
Site: Springfield/Luparelli

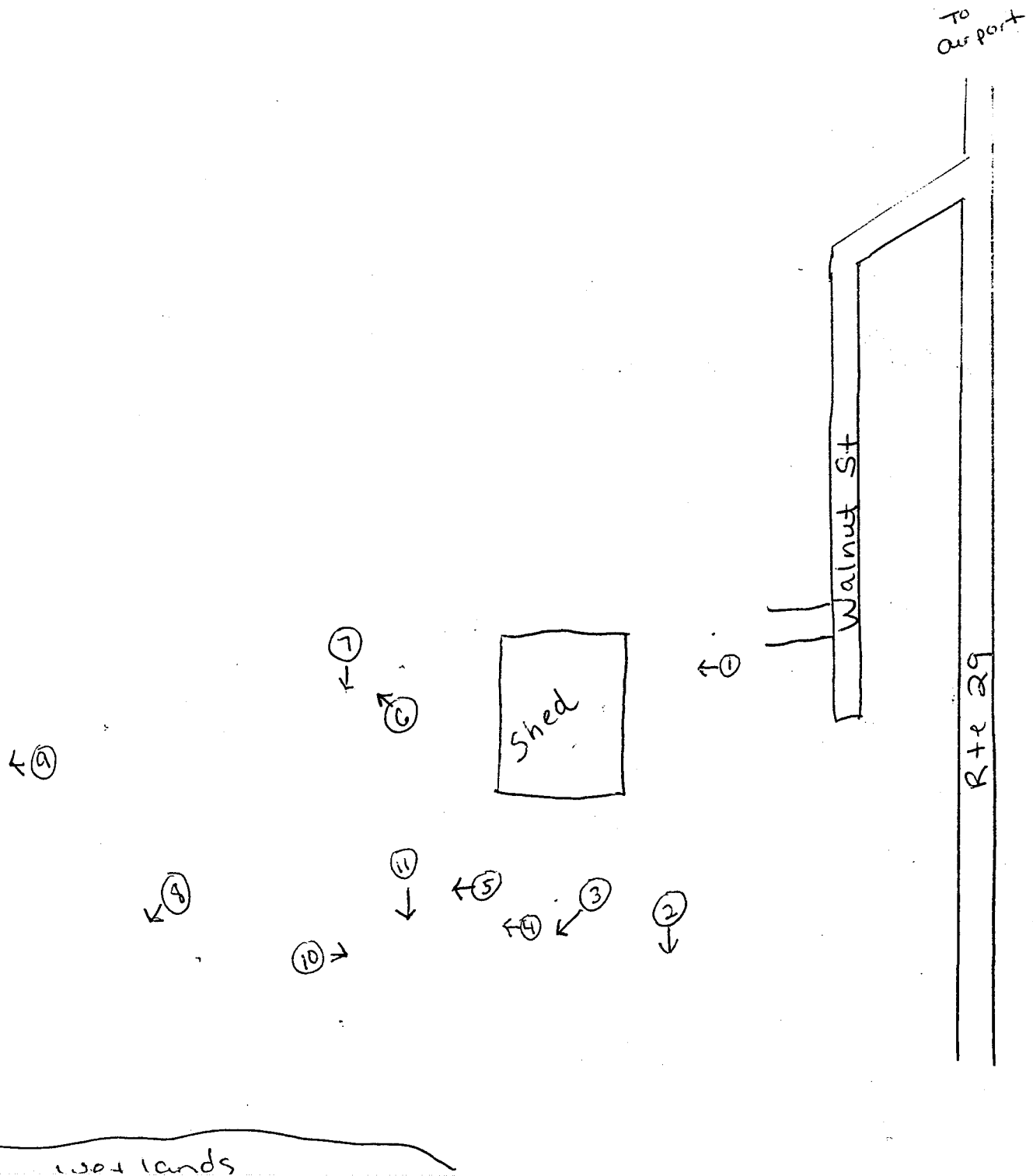
Inspector: Jan Mier
County: Sangamon
Time: 11:40 a.m. - 12:00 p.m.

Measurements Approximate

Direction of Photo →

Not to Scale

NORTH





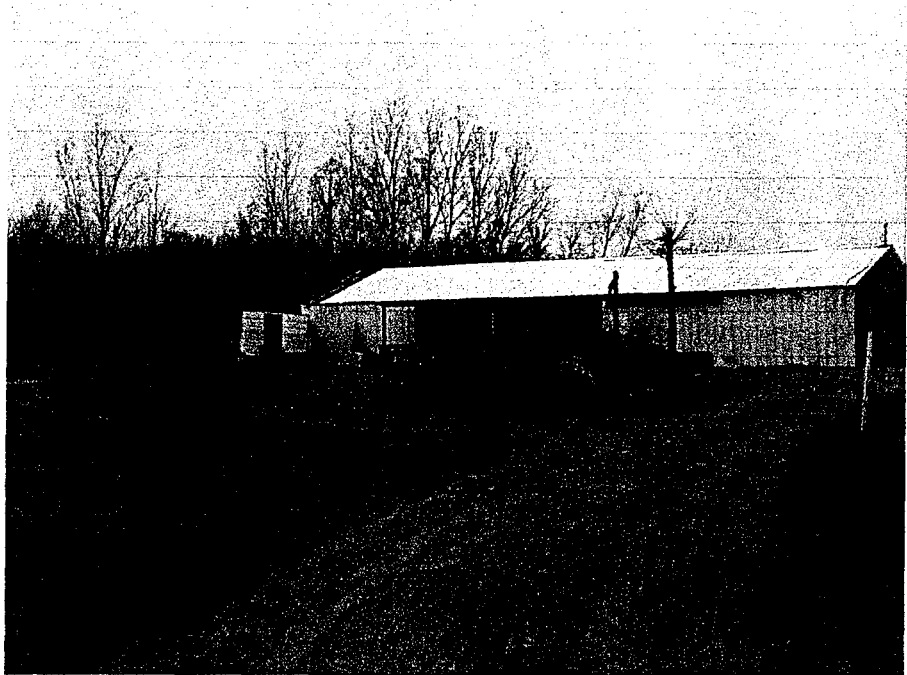
Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1678220029 — Sangamon County
Springfield/Luparell
FOS File

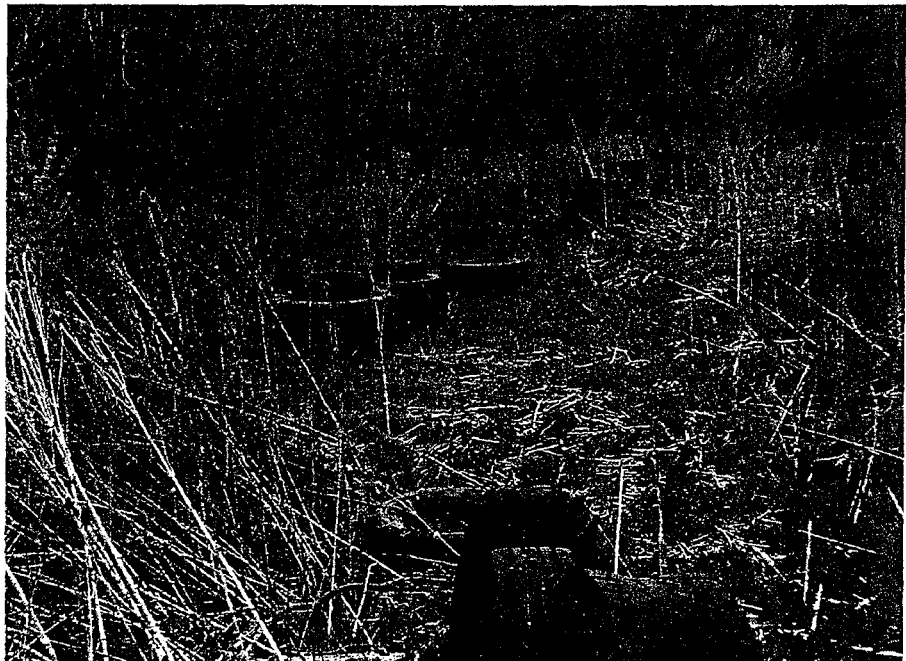
Date: 4/12/04
Time: 11:41 a.m.
Direction: W
Photo by: Jan Mier
Photo File Name:
1678220029~04122004-001
Comments:

Entrance to site with truck used
tires off rim and OTR used tires



Date: 4/12/04
Time: 11:43 a.m.
Direction: S
Photo by: Jan Mier
Photo File Name:
1678220029~04122004-002
Comments:

Truck, tractor and OTR used tires
off rim





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1678220029 — Sangamon County
Springfield/Luparell
FOS File

Date: 4/12/04
Time: 11:43 a.m.
Direction: SW
Photo by: Jan Mier
Photo File Name:
1678220029~04122004-003
Comments:

Truck, tractor and OTR used tires
off rim



Date: 4/12/04
Time: 11:43 a.m.
Direction: W
Photo by: Jan Mier
Photo File Name:
1678220029~04122004-004
Comments:

Used tire containing water





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1678220029 — Sangamon County
Springfield/Luparell
FOS File

Date: 4/12/04
Time: 11:44 a.m.
Direction: W
Photo by: Jan Mier
Photo File Name:
1678220029~04122004-005
Comments:

Tractor trailer beds



Date: 4/12/04
Time: 11:44 a.m.
Direction: NW
Photo by: Jan Mier
Photo File Name:
1678220029~04122004-006
Comments:

Used car tires, refuse, and trailer
filled with household garbage bags





**Illinois Environmental Protection Agency
Bureau of Land**

DIGITAL PHOTOGRAPHS

**LPC #1678220029 — Sangamon County
Springfield/Luparell
FOS File**

Date: 4/12/04
Time: 11:45 a.m.
Direction: S
Photo by: Jan Mier
Photo File Name:
1678220029~04122004-007
Comments:

Trailer contents



Date: 4/12/04
Time: 11:46 a.m.
Direction: SW
Photo by: Jan Mier
Photo File Name:
1678220029~04122004-008
Comments:

Used tires off the rim with
wetlands in background





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1678220029 — Sangamon County
Springfield/Luparell
FOS File

Date: 4/12/04
Time: 11:47 a.m.
Direction: W
Photo by: Jan Mier
Photo File Name:
1678220029~04122004-009
Comments:

Three off the rim used tires on
racetrack



Date: 4/12/04
Time: 11:48 a.m.
Direction: E
Photo by: Jan Mier
Photo File Name:
1678220029~04122004-010
Comments:

Used OTR and car tires off the rim





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1678220029 — Sangamon County
Springfield/Luparell
FOS File

Date: 4/12/04

Time: 11:49 a.m.

Direction: S

Photo by: Jan Mier

Photo File Name:

1678220029~04122004-011

Comments:

Used OTR and truck tires off the
rim



1678220029~04122004.doc

PROOF OF SERVICE

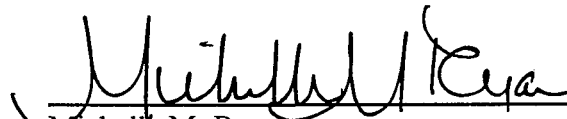
I hereby certify that I did on the 25th day of May 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Joseph Luparell
999 Clear Lake Road
Dawson, IL 62560

Troy Curley
816 McCleary Avenue
Springfield, IL 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