

Jess Spradlin Home Sales

"Quality Homes at Affordable Prices"

1034 East Morton Rd.
Jacksonville, IL 62650
(217) 243-4449
Fax: (217) 243-7332
www.spradlinhomesales.com

1709 S. Dirksen Pkwy.
Springfield, IL 62703
(217) 544-9000
Fax: (217) 544-0103

Highway 54 North
Pittsfield, IL 62363
(217) 285-9560
Fax: (217) 285-4737

ORIGINAL

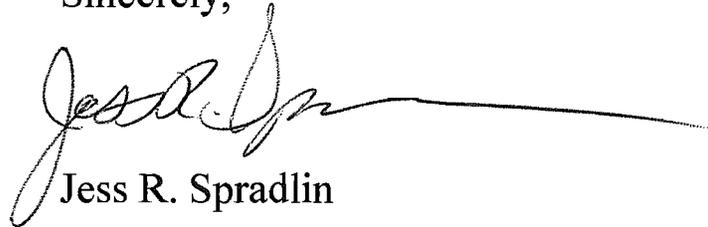
December 31, 2009

Attn: Division of Legal Counsel

AC10-10

Please accept this letter as notice of my protest to IEPA
Complaint No.294-09-AC see attached. I would like a review of
this case and or hearing as is your protocol.

Sincerely,



Jess R. Spradlin

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 James R. Thompson 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.**

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC
)	
v.)	(IEPA No. 294-09-AC)
)	
JESS SPRADLIN, d/b/a SPRADLIN MOTOR HOMES, and DREWNARD WOODS AND KRIS WARREN, d/b/a W&W AUTO SERVICE,)	
)	
Respondents.)	

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 (2008).

FACTS

1. That Jess Spradlin d/b/a Spradlin Motor Homes is the present owner and Drewnard Woods and Kris Warren collectively d/b/a W&W Auto Service (all collectively "Respondents") are the current operators of a facility located at 1709 Dirksen Parkway, Springfield, Sangamon County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency ("Illinois EPA") as Springfield/W&W Auto Service.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1671205263.
3. That Respondents have owned and/or operated said facility at all times pertinent hereto.
4. That on October 5, 2009, Jan Mier of the Illinois EPA'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.

5. That on December 1, 2009, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 3020 0002 3214 4227 (Spradlin)
7007 3020 0002 3214 4234 (Drewnard)

VIOLATIONS

Based upon direct observations made by Jan Mier during the course of her October 5, 2009 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) (2008).
- (2) That Respondents caused or allowed water to accumulate in waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2008).

CIVIL PENALTY

On September 3, 2009, the Board found Jess Spradlin, Drewnard Woods, and Kris Warren in violation of Section 21(p)(1) of the Act in AC 10-01.

Because this Administrative Citation addresses a second or subsequent violation of Section 21(p)(1) of the Act, pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), Respondents are subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for that violation, as well as a civil penalty of One Thousand Five Hundred Dollars (\$1,500) for the violation of Section 55(k)(1) of the Act, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). 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 December 31, 2009, 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 (2008), 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 applicable statutory civil penalty for each violation.

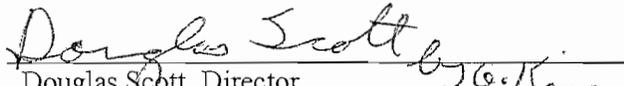
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2008), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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, Respondents' 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, Respondents 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 (2008). If Respondents elect to contest this Administrative Citation, then Respondents 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.


Douglas Scott, Director
Illinois Environmental Protection Agency

Date: December 1, 2009

Prepared by: Michelle M. Ryan, Assistant Counsel
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,) AC
)
v.) (IEPA No. 294-09-AC)
)
JESS SPRADLIN, d/b/a SPRADLIN MOTOR)
HOMES, and DREW NARD WOODS AND)
KRIS WARREN, d/b/a W&W AUTO)
SERVICE,)
)
Respondents.)

FACILITY: Springfield/W&W Auto Service

SITE CODE NO.: 1671205263

COUNTY: Sangamon

CIVIL PENALTY: \$4,500

DATE OF INSPECTION: October 5, 2009

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:)
)
 Illinois Environmental)
 Protection Agency)
)
 vs.)
)
 Jess Spradlin,)
 dba Spradlin Mobile Homes Sales,)
 and)
 Drenward Woods and Kris Warren,)
 dba W&W Auto Service,)
)
 Respondents)

IEPA DOCKET NO. 294-09-AC

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

1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On October 5, 2009, between 11:40 a.m. and 11:55 a.m., Affiant conducted an inspection of an open dump, located in Sangamon County, Illinois and known as *Springfield/W&W Auto Service* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC #1671205263 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.

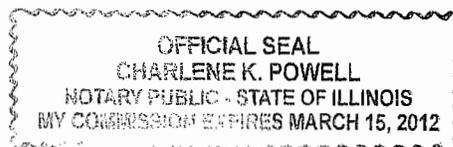
Jan Mier

 Jan Mier

Subscribed and Sworn to Before Me
 this 23rd day of Oct., 2009

Charlene K. Powell

 Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: SANGAMON LPC#: 1671205263 Region: 5 - Springfield
 Location/Site Name: SPRINGFIELD/W&W AUTO SERVICE
 Date: 10/05/2009 Time: From 11:40 AM To 11:55 AM Previous Inspection Date: 05/20/2009
 Inspector(s): JAN MIER Weather: 75 DEGREES, SUNNY
 No. of Photos Taken: # 11 Est. Amt. of Waste: 25 yds³ Samples Taken: Yes # No
 Interviewed: KRIS WARREN Complaint #:
 Latitude: Longitude: Collection Point Description: -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: -

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

DREWNARD WOODS AND KRIS
 WARREN DBA W&W AUTO SERVICE
 1709 S. DIRKSEN PARKWAY
 SPRINGFIELD, IL 62702
 217/525-2376

JESS SPRADLIN
 SPRADLIN MOBILE HOME SALES
 1034 E. MORTON
 JACKSONVILLE, IL 62650-33-20
 217/243-4449

	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	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input type="checkbox"/>
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	<input 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"/>

**STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
INSPECTION NARRATIVE**

**LPC#1671205263 – Sangamon County -
Springfield/W&W Auto Service
FOS File**

**DATE: 10/05/09
INSPECTOR: Jan Mier**

On October 5, 2009, I conducted a re-inspection at the above referenced site located at 1709 S. Dirksen Parkway in Springfield, IL. The property is owned by Jess Spradlin, who operates Spradlin Mobile Home Sales at the property. Drenard Woods and Kris Warren, operate W&W Auto Service at the site. Mr. Spradlin is in the process of selling the property to Mr. Woods. Both parties were sent an Administrative Citation Warning Notice dated February 18, 2009. A written response was not received from either party. As a result of the 5/20/09 inspection, in which the violations continued, all parties were ordered to pay a \$1,500.00 penalty (AC 10-01). Mr. Spradlin telephoned me during the week of September 28, 2009 to say they had removed several truckloads of waste from the site and it was now free of waste.

I arrived at 11:40 a.m. The first thing I observed was a pile of plastic containers, a yellow drum, lumber, white plastic containers, landscape waste, and scrap metal sitting in and around a pickup bed liner (see photo #001). Photo #002 shows the north end of the pile with metal shelving, a desk and a blue plastic barrel. Some of the wastes previously observed were no longer on site, although no receipts have been submitted for the disposal of the wastes. The off rim used tires were only partially covered (see photo #003). Kris Warren, the site manager, said he tried to keep them covered. He said someone was coming to pick them up soon. Water was observed in several used tires (see photo #004 and #005). Body parts from vehicles were piled against the north side of the garage (see photo #006), along with the hazardous waste drum atop empty drums, that were observed during my 1/23/09 inspection in the background. A file cabinet, empty yellow drums and street lights were observed on the east side of the property (see photo #007). Used tires, both on and off rim, were piled against a building, as in the previous inspection (see photo #008). What looked like drywall or insulation was lying on the ground (see photo #009). A red upholstered chair was observed on the west side of the property (see photo #010), among concrete blocks. A pickup truck bed held a rake, plastic containers, a carpet remnant and other debris (see photo #011). I departed at 11:55 a.m.

Continuing and new violations observed during the inspection are noted on the attached checklist.

cc: DLPC Division File
DLPC/FOS – Springfield Region

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RECEIVED
CLERK'S OFFICE

JAN 06 2010

STATE OF ILLINOIS
Pollution Control Board

A copy of this packet has
been sent to Michelle M. Ryan
in Springfield, IL

ORIGINAL

Thank You.

Daphne L. Spradlin