



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-9817

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

Pat Quinn, Governor

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-9817  
TDD: (217) 782-9143

June 3, 2009

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

AC09-51

RECEIVED  
CLERK'S OFFICE  
JUN 05 2009  
STATE OF ILLINOIS  
Pollution Control Board  
RECEIVED  
CLERK'S OFFICE  
JUN 05 2009  
STATE OF ILLINOIS  
Pollution Control Board

Re: Illinois Environmental Protection Agency v. Springfield Iron & Metal Co., Inc. and Russell & Evelyn Weller.  
IEPA File No.105-09-AC; 1671205737—Sangamon County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan  
Assistant Counsel

Enclosures

RECEIVED  
CLERK'S OFFICE

JUN 05 2009

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, )  
) )  
v. )  
) )  
SPRINGFIELD IRON & METAL )  
CO., INC. and RUSSELL & )  
EVELYN WELLER, )  
) )  
Respondents. )

AC 09-51  
(IEPA No. 105-09-AC)

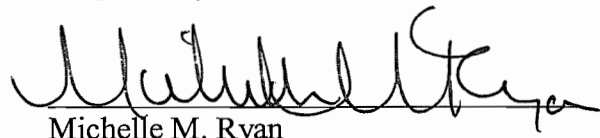
**NOTICE OF FILING**

To: Springfield Iron & Metal Co., Inc.  
Russell Weller, Owner/Operator  
930 Wolfe St.  
Springfield, IL 62702

Russell & Evelyn Weller  
931 Lawndale  
Springfield, IL 62707

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  
Assistant Counsel

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

Dated: June 3, 2009

RECEIVED  
CLERK'S OFFICE

JUN 05 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, )  
) )  
v. )  
) )  
SPRINGFIELD IRON & METAL CO., INC. )  
and RUSSELL & EVELYN WELLER, )  
) )  
) )  
Respondents. )

AC 09-51  
(IEPA No. 105-09-AC)

*Springfield*

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 (2006).

FACTS

1. That Russell & Evelyn Weller are the permitted owners and Springfield Iron & Metal Co., Inc. is the permitted operator (collectively "Respondents") of a facility located at 930 Wolfe Street, Springfield, IL, Sangamon County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Springfield/Springfield Iron & Metal Company.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1671205737.
3. That Respondents have owned and operated said facility at all times pertinent hereto.
4. That on April 23, 2009, Richard Johnson of the Illinois Environmental Protection Agency's ("Illinois EPA") Springfield Regional Office inspected the above-described facility. A copy

of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on June 3<sup>rd</sup>, 2009 Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 30206002 3214 3596 + 700730200002 32143589

#### VIOLATIONS

Based upon direct observations made by Richard Johnson during the course of his April 23, 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) (2006).

#### CIVIL PENALTY

On April 1, 2004, the Board found Springfield Iron & Metal Co., Inc. and Russell and Evelyn Weller in violation of Section 21(p)(1) of the Act in AC 04-48.

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) (2006), Respondents are subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each violation, for a total of Three Thousand Dollars (\$3,000.00). 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 July 7, 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 (2006), 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.

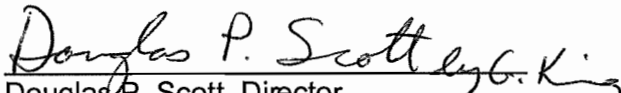
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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, 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 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 (2006). 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 Respondent.

  
Douglas P. Scott, Director  
Illinois Environmental Protection Agency

Date: 6/3/09

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

RECEIVED  
CLERK'S OFFICE

JUN 05 2009

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
) )  
Complainant, )  
) )  
v. )  
) )  
SPRINGFIELD IRON & METAL CO., INC. )  
and RUSSELL & EVELYN WELLER, )  
) )  
) )  
) )  
Respondents. )

AC 09.51  
(IEPA No. 105-09-AC)

FACILITY: Springfield/Springfield  
Iron & Metal Company

SITE CODE NO.: 1671205737

COUNTY: Sangamon

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: April 23, 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

RECEIVED  
CLERK'S OFFICE

JUN 05 2009

STATE OF ILLINOIS  
Pollution Control Board

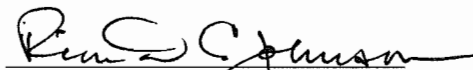
IN THE MATTER OF: )  
)  
Illinois Environmental )  
Protection Agency )  
)  
vs. )  
)  
Springfield Iron & Metal )  
Co., Inc. )  
and )  
Russell & Evelyn Weller, )  
)  
Respondents. )

IEPA DOCKET NO.  
-AC

A 209.51

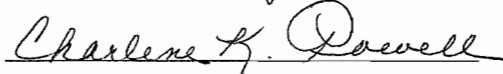
Affiant, Richard C. Johnson, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On April 23, 2009 between 2:04 PM and 3:04 PM, Affiant conducted inspection of a disposal site operated without an Illinois Environmental Protection Agency permit, located in Sangamon County, Illinois, and known as Springfield/Springfield Iron & Metal Company by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 1671205737 by the Illinois Environmental Protection Agency.
3. Affiant inspected said Springfield/Springfield Iron & Metal Company open dump 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 forms 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 Springfield/Springfield Iron & Metal Company open dump.

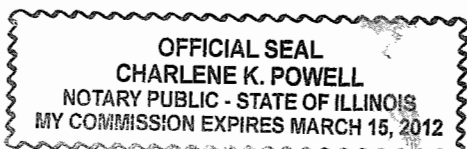
  
Richard C. Johnson

Subscribed and Sworn To before me

This 10<sup>th</sup> day of May, 2009



Notary Public





**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

RECEIVED  
 CLERK'S OFFICE  
 JUN 05 2009  
 STATE OF ILLINOIS  
 Pollution Control Board

County: Sangamon LPC#: 1671205737 Region: Polk  
 Location/Site Name: Springfield/Springfield Iron & Metal Company  
 Date: 04/23/2009 Time: From 2:04 pm To 3:04 pm Previous Inspection Date: 03/25/2009  
 Inspector(s): Rich Johnson Weather: 75 F, cloudy, wet soil  
 No. of Photos Taken: # 27 Est. Amt. of Waste: 750 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: Russell Weller (O/O), Brian Williams, Jr. Complaint #: C-09-114-C

Responsible Party Mailing Address(es) and Phone Number(s):	Springfield Iron & Metal Co., Inc. 930 Wolfe Street Springfield, Illinois 62702 (217) 544-7131	Russell & Evelyn Weller 931 Lawndale Springfield, Illinois 62707
	<i>ORIGINAL</i>	

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
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"/>

LPC # 1671205737

Inspection Date: 03/25/2009

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
	(3)	Cause or Allow Water to Accumulate in Used Tires	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	<b>OTHER:</b>		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

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  
Memorandum

**To:** Division of Land Pollution Control File

**From:** Richard Johnson, DLPC/FOS, Springfield Region

**Date:** April 30, 2009

**Subject:** LPC #1671205737 – Sangamon County  
Springfield/Springfield Iron & Metal Company (SIMCO)  
C-09-114-C  
FOS File

I conducted re-inspections of the above reference facility on March 25, 2009, and April 23, 2009. The property is located at 930 Wolfe Street, Springfield, Illinois. Met and interviewed during both inspections were: Mr. Russell Weller, owner and operator of Springfield Iron & Metal Company (hereafter referred to as SIMCO), and Mr. Brian Williams, Jr., an employee at the site, who accompanied me on my inspections of the site.

I conducted a September 3, 2008 investigation of SIMCO in response to an anonymous complaint received concerning the site's soil being contaminated and alleging that when it rains oily water flows offsite onto Wolfe Street. Furthermore, the complainant was concerned that the soil at the site was radioactive. Based on the findings of the inspection, Mr. Weller was sent an Open Dump Administrative Citation Warning Notice dated October 9, 2008 for open dumped solid waste.

During the September 3, 2008 investigation I also met with Ms. Ellen Price, and Mr. Wally Horrihs, of the Illinois Secretary of State. The Illinois Secretary of State (Illinois SOS) were onsite to investigate the SIMCO's compliance with State regulations as they relate to junkyards, and to inform Mr. Weller that the site's registration as a junkyard could not be transferred to a potential buyer of the property. The potential buyer of SIMCO was Mr. Harold Graves, who began operating the site. Mr. Graves withdrew both his application to operate SIMCO and his offer to buy the site. The Illinois SOS has approved SIMCO's operation as an automotive parts recycler until December 31, 2009 (see photograph 1 taken March 25, 2009). I observed about 10 junk vehicles at the site during the inspection (see photos 20 and 23 taken March 25, 2009).

**March 25, 2009 Inspection**

I arrived at the SIMCO at about 1:14 pm on March 25, 2009. The temperature was about 45 - 50° F, it was partly sunny, and the soil was wet.

The site office is located in a building at the northwest part of the site (see photos 22 and 23). Mr. Weller was met in the office and was briefly interviewed both before the inspection and after. According to Mr. Weller, he no longer is trying to sell his business. He said the price of metals have plummeted and unsorted iron is going for about \$40 per ton, while the cut and sorted iron is around \$95 per ton. Furthermore, the price for selling junk vehicles has fallen off so much that this part of his business is down about 75%. Mr. Weller showed me 3 receipts for shipments SIMCO sent to Allied Iron & Steel (in Peoria) for the week so far, one on Tuesday and 2 on Wednesday. He also said there had been no shipments made the previous week. The site is mostly accumulating scrap metal in the anticipation that the price of metal will go back up. Besides junk vehicles, SIMCO also accepts all types of scrap metal including tin, iron, aluminum, copper, lead, etc. It was noted that there appeared to be more scrap metal onsite since my last inspection on September 3, 2008.

Mr. Williams accompanied me on my inspection of SIMCO. We initially inspected the warehouse located east of the office. At the west end of the building was an aluminum can crusher that flattens and then propels the cans into a parked truck box trailer (see photo 2). Once the trailer is full it is driven to the metal recycler. According to Mr. Williams, the large cardboard cartons with metal in them on the west half of the building contain copper, lead and brass scrap (see photo 3). We walked to the east end of the building where I observed stacks of vehicle radiators (see photo 4). Mr. Williams said that SIMCO buys shipments of radiators and then re-sells them as scrap metal for a profit. A baler used to compress and band aluminum is located in the northwest region of the site south of the warehouse. During the inspection I observed the square bales of aluminum setting south of the entrance (see photo 7).

Just east of the warehouse was a worker spreading recently deposited wet concrete (see photo 4). SIMCO allows concrete mixers carrying leftover loads of concrete to dump it at the site to establish hard, low permeable surfaces from which to operate on. It was noted that there are areas throughout the site that have some of the concrete dumped and spread.

Used tires under a blue tarp were being temporarily stored west of the office in the northwest region (see photo 6). SIMCO had been cited for an apparent violation on the last inspection for not covering, altering, etc. used tires while being off rim. This apparently has been rectified. Mr. Williams said the 2 used tires observed just south of the entrance had just recently been dropped off that day. It was also noted that they were on rim. Mr. Williams said that used tires are stored in a parked trailer (see photos 18 and 19) until they can be picked up by Flagg Trucking & Repair (T8062, expiration date 3/31/2010). The trailer was said to be owned by Flagg Trucking. It should also be noted that SIMCO is an Illinois EPA registered used tire storage site for 2009, and that SIMCO doesn't sell used tires.

I observed two 55-gallon drums labeled "Used Oil" setting along the west side of the site during the inspection. Both drums appeared to be empty, or nearly empty.

The central/northcentral region of the site had a large pile of scrap metal that was said to be tin (see photos 9, 16, 17, 22 and 24). This is apparently the main location where scrap metal and vehicles are consolidated and loaded onto a semi-truck. A hard surface of concrete was found in this area. It was the formerly a foundation of a building that had housed a baler. The building was torn down and the concrete pad remains, now used as a staging area for collecting scrap metal.

Southwest of the large pile was a smaller pile of metal scrap that was said to be iron (see photos 10, 11 and 21). North of the large pile was a scrap metal pile with aluminum and tin. Near the aluminum items were push mowers (see photo 12). Since the used mowers were lined up and appeared to be on display, I asked whether they were being sold to customers of SIMCO, or whether they were considered scrap metal and sold to metal recyclers. According to Mr. Williams, they both sell mowers and sell them for scrap metal. Besides the push mowers were a couple of riding mowers, and also several cylinders for propane (see photo 13). Mr. Williams said that the cylinders were empty.

A significant change observed at SIMCO was that the 2 large mounds of soil that had waste mixed in with them were gone. It was my understanding that the mounds were created from scraping the surface of the site by Mr. Harold Graves. According to Mr. Weller, during the short tenure that Mr. Graves operated the site he scraped off the surface of the scrap yard in order to recover some of the scrap metal. In the process, two large hills of soil mixed with waste were generated. One of these piles was located in the southwest region of the site, and the other in the northeast region. During the September 3, 2008 inspection I learned that Mr. Graves was sorting through the 2 piles in order to remove the plastic, metal, concrete, wood, etc. interspersed with the soil. Mr. Graves and his equipment, including the machines used to sort through the debris in the soil, left the site in October of 2008. Mr. Weller said that it took 2 workers two weeks to go through the piles and remove the large pieces of waste. When I asked how the waste was removed, he indicated that it was "hand raked," and the subsequent soil was leveled out and compacted. Large areas at the northeast region, along the east property boundary, and at the south end of the site were now found to have soil mixed with pieces of metal, plastic, tires, insulation, wood, etc. (see photos 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24). Mr. Weller was told that the soil with waste in it was all considered open dumped waste and that it needed to be remediated. At the time of the inspection I was unable to determine how deep the soil mixed with waste was throughout these areas. Mr. Weller asked what needed to be done and we discussed a couple of options. One was removing and disposing all of the soil with debris at an Illinois EPA permitted landfill or transfer station. Another option was to go through the soil again and remove all the waste so that the resulting soil would no longer be considered solid waste. The chunks of concrete may be put to use as fill around the site as clean construction or demolition debris (CCDD), if it were used in accordance with Section 3.160(b) of the Illinois Environmental Protection Act.

I indicated during my previous inspection of SIMCO that a rolloff box, or some other type of container, should be available so that the general refuse generated onsite can be

accumulated off the ground prior to its being hauled for proper disposal. There was metal box now available at the site to accumulate waste (see photos 13, 14 and 15).

I left the site at 2:13 pm.

### **April 23, 2009 Inspection**

I arrived at the SIMCO at about 2:04 pm on April 23, 2009. The temperature was about 75° F, it was cloudy and breezy, and the soil was wet.

During the March 25, 2009 inspection I had found open dumped waste at the site from the leveling of 2 large piles of soil mixed with waste. According to Mr. Weller, these 2 mounds of soil mixed with waste were generated by Mr. Harold Graves in 2008 when he temporarily operated SIMCO. After Mr. Graves left the site, Mr. Weller had the mounds leveled after removing the large pieces of waste in them.

Mr. Weller had telephoned me that several test probes had been made in the areas where soil mixed with waste had been spread. A trackhoe had been used to make the test cuts. My inspection of the site was to see whether the test holes or probes would give some indication on how deep the waste layer from spreading the mounds would be in the affected areas.

Mr. Williams and I initially inspected probes in the northeast region of SIMCO. The area affected by the soil mixed with waste was measure using a landscape measuring wheel and found to be about 146 by 138 feet. Photos 1, 2, 3 and 4 show a couple test areas in this area. Using a tape measure (see photos 1 and 2) I found waste down to be about 1.5 feet below surface level (BSL). In photos 3 and 4 a deeper cut was made down to about 3 feet BSL until it appeared that the waste had been no longer present. Photo 5 shows what was dug out from the test probe that went down about 3 feet (see photos 3 and 4).

Photos 5, 6, 7, 8, 9 and 10 show various areas of the northeast region of the site where one of the mounds of soil and waste had been located. Photo 6 just shows the concentration of waste mixed with soil found at the surface of the northeast region. What appears to be a thin layer of the soil mixed with waste was noted in photos 7, 8, 9 and 10. It was speculated that most of the eastern edge of the northeast region was only a few inches deep with the soil/waste layer. Photos 22, 23, 24 and 25 were taken near the northeast corner of the site showing how much debris was on the surface. An indication of how deep the soil/waste layer from spreading the mound in the northeast region was found by observing a pile of landscape waste. The soil/waste had been pushed up and around the tree trunks and limbs (see photos 22 and 23). This soil/waste layer appeared to be about 3 feet thick.

From the northeast region, Mr. Williams and I continued south along the east property boundary (see photos 11, 12, 13, 14, 15, 16, 17 and 18). Several probes had also been made in this area. The probes only showed what appeared to be a shallow layer of waste most of the way to the south end. Photo 12 shows the pile of soil and waste removed from the test hole shown in photo 11. Photo 15 shows another pile of soil and waste from

another test hole located in the eastcentral region. This probe appears to indicate the waste and soil was only about 3 to 4 inches thick. Photo 17 shows the area in photo 16 as well as further south. Additional probes at the south end of the site (see photo 18) are needed to determine whether the waste layer was deeper in this area. The eastern fence line from the south line of the northeast region down to the south end was about 474 feet using the measuring wheel. More probes are needed in an area about 87 by 56 feet at the south end of the site.

The second mound of soil and waste had been located in the south/southwest region of the site as shown in photos 19, 20, 26 and 27. Using the measuring wheel the area where the soil and waste layer is suspected to have been spread was about 156 by 93 feet. It was noted that no test probes have been placed in this area. It was currently used to park about 10 junk vehicles, and a couple of empty metal tanks. Visually, this area appeared to be about 4 or 5 feet higher than the adjacent interior road.

In the central part of the site was a large test pit dug by the trackhoe. The test hole was filled with murky water (see photo 21). This area hadn't been thought to have been a location where the soil/waste from the nearby mound had been spread. However, waste mixed with soil was present in this area, and the depth of the test probe was reportedly 4 to 5 feet deep.

I discussed my findings with Mr. Weller before leaving at 3:04 pm.

### **Apparent Violations**

**21(a) of the Illinois Environmental Protection Act (the Act)**, no person shall cause or allow the open dumping of any waste. Open dumped waste observed at the facility included the soil mixed with metal, plastic, wood, and other debris scattered on the ground.

**21(p)(1) of the Act**, open dumped waste at the site constitutes litter.

### **Miscellaneous Information**

1. The property was said to have been used for a junk yard and metal scrap since 1955.
2. The site was said to operate from about 7:30 am to 3:45 pm, six days a week (Monday through Saturday). Inside the office were a computer and telephone (217/544-7131), as well as a toilet.
3. Onsite equipment at the time of the inspection included a Hyundai grapppler, Red Link Belt with a magnet, three track-hoes, a bull-dozer, and other un-identified machinery.

4. SIMCO re-newed its Illinois EPA used tire storage registration and fee in January of 2009.
5. SIMCO's current Corporation File Detail Report from the Illinois Secretary of State is attached.

cc: DLPC/Division File  
DLPC/FOS – Springfield Region  
Sangamon County Department of Public Health, Allen Alexander



STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY  
SITE SKETCH

Date of Inspection: April 23, 2009


Site Code: 1671205737

Site Name: Springfield/Springfield Iron & Metal Co. (SIMCO)

Inspector: Rich Johnson

County: Sangamon

Time: 2:04 pm – 3:04 pm


Direction of Photo 

Trailers 

Scrap Metal SM

Used Tires UT

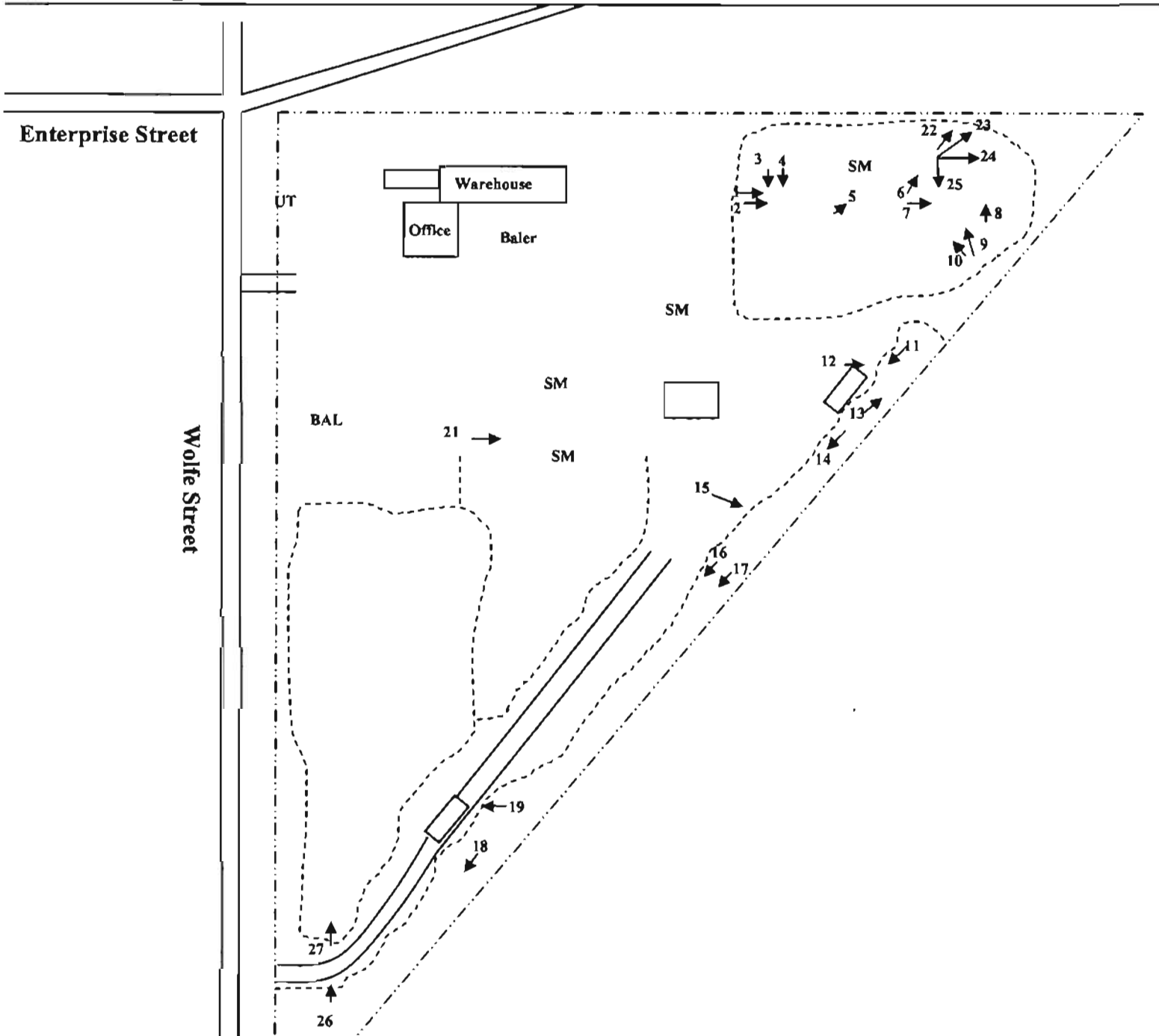
Baled Aluminum BAL

Areas of Soil Mixed with Waste 

Measurements Approximate

Not To Scale

North





## DIGITAL PHOTOGRAPHS



**Date:** April 23, 2009  
**Time:** 2:06 pm  
**Direction:** East  
**Photo by:** Rich Johnson  
**Exposure #:** 001  
**Comments:** Photograph shows an area located in the northeast region of the site that was scraped with a track-hoe.



**Date:** April 23, 2009  
**Time:** 2:07 pm  
**Direction:** East  
**Photo by:** Rich Johnson  
**Exposure #:** 002  
**Comments:** Photograph shows a close up of photo 1. Note that the depth of waste in the area was found to be about 1.5 feet deep using a tape measure.

File Names: 1671205737~04232009-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



Date: April 23, 2009  
Time: 2:08 pm  
Direction: South  
Photo by: Rich Johnson  
Exposure #: 003  
Comments: Photograph shows another test probe located in the northeast region of the site. Note the tape measure indicates waste was found down about 3 feet below surface level.



Date: April 23, 2009  
Time: 2:08 PM  
Direction: South  
Photo by: Rich Johnson  
Exposure #: 004  
Comments: Photograph shows the same test probe as in photo 3.

File Names: 1671205737-04232009-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



**Date:** April 23, 2009  
**Time:** 2:10 pm  
**Direction:** Northeast  
**Photo by:** Rich Johnson  
**Exposure #:** 005  
**Comments:** Photograph shows a pile of the soil mixed with waste that was removed from the test hole shown in photos 3 and 4.



**Date:** April 23, 2009  
**Time:** 2:11 pm  
**Direction:** Northeast  
**Photo by:** Rich Johnson  
**Exposure #:** 006  
**Comments:** Photograph shows the surface in the northeast region of the site. Note the debris found at the surface.

File Names: 1671205737-04232009-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



**Date:** April 23, 2009  
**Time:** 2:11 pm  
**Direction:** East  
**Photo by:** Rich Johnson  
**Exposure #:** 007  
**Comments:** Photograph shows an area scraped by a trackhoe in the northeast region of the site.



**Date:** April 23, 2009  
**Time:** 2:11 pm  
**Direction:** North  
**Photo by:** Rich Johnson  
**Exposure #:** 008  
**Comments:** Photograph shows the northeast region of the site. Note the scattered debris at the surface.

File Names: 1671205737~04232009-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



**Date:** April 23, 2009  
**Time:** 2:12 pm  
**Direction:**  
North/northwest  
**Photo by:** Rich Johnson  
**Exposure #:** 009  
**Comments:** Photograph shows an area in the northeast region of the site. Note the area was scraped with a trackhoe with some of the resulting waste accumulated near the top of the photo.



**Date:** April 23, 2009  
**Time:** 2:13 pm  
**Direction:** Northwest  
**Photo by:** Rich Johnson  
**Exposure #:** 010  
**Comments:** Photograph shows a pile of soil mixed with waste dug up by a trackhoe in the northeast region of the site.

File Names: 1671205737~04232009-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



**Date:** April 23, 2009  
**Time:** 2:14 pm  
**Direction:** Southwest  
**Photo by:** Rich Johnson  
**Exposure #:** 011  
**Comments:** Photograph shows a test probe dug with a trackhoe located along the east boundary of the site in the northeast region.



**Date:** April 23, 2009  
**Time:** 2:14 pm  
**Direction:** East  
**Photo by:** Rich Johnson  
**Exposure #:** 012  
**Comments:** Photograph shows a pile of soil mixed with waste along the east property line where a trackhoe has probed an area trying to find the depth of the soil mixed with waste.

File Names: 1671205737~04232009-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



**Date:** April 23, 2009  
**Time:** 2:15 pm  
**Direction:** Northeast  
**Photo by:** Rich Johnson  
**Exposure #:** 013  
**Comments:** Photograph shows areas along the east property line where a trackhoe has probed trying to find the depth of the soil mixed with waste.



**Date:** April 23, 2009  
**Time:** 2:15 pm  
**Direction:** Southwest  
**Photo by:** Rich Johnson  
**Exposure #:** 014  
**Comments:** Photograph shows areas along the east property line where a trackhoe has probed trying to find the depth of the soil mixed with waste.

File Names: 1671205737~04232009-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



Date: April 23, 2009  
Time: 2:17 pm  
Direction: East/southeast  
Photo by: Rich Johnson  
Exposure #: 015  
Comments: Photograph shows a pile of soil mixed with waste along the east property line in the eastcentral region of the site.



Date: April 23, 2009  
Time: 2:18 pm  
Direction: Southwest  
Photo by: Rich Johnson  
Exposure #: 016  
Comments: Photograph shows a test probe located along the east fence line in the eastcentral/southeast region of the site.

File Names: 1671205737~04232009-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



**Date:** April 23, 2009  
**Time:** 2:18 pm  
**Direction:** Southwest  
**Photo by:** Rich Johnson  
**Exposure #:** 017  
**Comments:** Photograph shows an area probed with a trackhoe located along the east fence line in the eastcentral/southeast region of the site.



**Date:** April 23, 2009  
**Time:** 2:19 pm  
**Direction:** Southwest  
**Photo by:** Rich Johnson  
**Exposure #:** 018  
**Comments:** Photograph shows the south end of the site. Note the surface debris shown.

File Names: 1671205737~04232009-[Exp. #]-.jpg





## DIGITAL PHOTOGRAPHS



**Date:** April 23, 2009  
**Time:** 2:20 pm  
**Direction:** West  
**Photo by:** Rich Johnson  
**Exposure #:** 019  
**Comments:** Photograph shows the southwest region of the site. Note the debris on the surface of the area and some of the junk vehicles parked in the area.



**Date:** April 23, 2009  
**Time:** 2:24 pm  
**Direction:** South/southeast  
**Photo by:** Rich Johnson  
**Exposure #:** 020  
**Comments:** Photograph shows some of the southwest region of the site with the debris on the surface and the junk vehicles. Note the trailer shown is for storing used tires.

File Names: 1671205737~04232009-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



**Date:** April 23, 2009  
**Time:** 2:26 pm  
**Direction:** East  
**Photo by:** Rich Johnson  
**Exposure #:** 021  
**Comments:** Photograph shows test probe excavated with a trackhoe located in the central region of the site. Note that the water filled the probe and it was reportedly 4 or 5 feet deep.



**Date:** April 23, 2009  
**Time:** 2:30 pm  
**Direction:** Northeast  
**Photo by:** Rich Johnson  
**Exposure #:** 022  
**Comments:** Photograph shows the surface near the northeast corner of the site. Note the debris found at the surface.

File Names: 1671205737-04232009-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



**Date:** April 23, 2009  
**Time:** 2:30 pm  
**Direction:** Northeast  
**Photo by:** Rich Johnson  
**Exposure #:** 023  
**Comments:** Photograph shows the surface near the northeast corner of the site. Note the debris found at the surface.



**Date:** April 23, 2009  
**Time:** 2:30 pm  
**Direction:** East  
**Photo by:** Rich Johnson  
**Exposure #:** 024  
**Comments:** Photograph shows the surface near the northeast corner of the site. Note the debris found at the surface.

File Names: 1671205737~04232009-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



Date: April 23, 2009  
Time: 2:30 pm  
Direction: South  
Photo by: Rich Johnson  
Exposure #: 025  
Comments: Photograph shows the surface near the northeast corner of the site. Note the debris found at the surface.



Date: April 23, 2009  
Time: 2:36 pm  
Direction: North  
Photo by: Rich Johnson  
Exposure #: 026  
Comments: Photograph shows the west property line of the site.

File Names: 1671205737~04232009-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



**Date:** April 23, 2009  
**Time:** 2:41 pm  
**Direction:** North  
**Photo by:** Rich Johnson  
**Exposure #:** 027  
**Comments:** Photograph shows the west property line of the site.

1671205737~04232009.docx

File Names: 1671205737~04232009-[Exp. #].jpg

RECEIVED  
CLERK'S OFFICE

JUN 05 2009

STATE OF ILLINOIS  
Pollution Control Board

**PROOF OF SERVICE**

I hereby certify that I did on the 3<sup>rd</sup> day of June 2009, 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

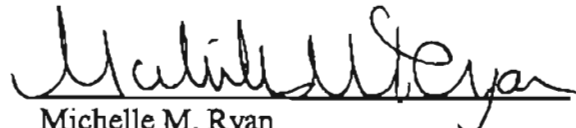
To: Springfield Iron & Metal Co., Inc.  
Russell Weller, Owner/Operator  
930 Wolfe St.  
Springfield, IL 62702

Russell & Evelyn Weller  
931 Lawndale  
Springfield, IL 62707

ORIGINAL

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



Michelle M. Ryan  
Assistant Counsel

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