



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11 300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

John J. Kim, Interim Director

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MAR 26 2012

STATE OF ILLINOIS
Pollution Control Board

AC12-33

ORIGINAL
RETURN TO CLERK'S OFFICE

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

March 21, 2012

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

Re: Illinois Environmental Protection Agency v. Shapiro Brothers of Illinois, Inc. d/b/a Milano Metals and Recycling
IEPA File No.65-12-AC: 0810300023—Jefferson 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 Tire Storage Site 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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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CLERK'S OFFICE

MAR 26 2012

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
SHAPIRO BROTHERS OF ILLINOIS, INC.)
D/B/A MILANO METALS AND RECYCLING,)
))
Respondents.)

AC 12-33
(IEPA No. 65-12-AC)

ORIGINAL

NOTICE OF FILING RETURN TO CLERK'S OFFICE

To: Shapiro Brothers of Illinois, Inc.
P.O. Box 1327
Mt. Vernon, IL 62864

Shapiro Brothers of Illinois, Inc.
d/b/a Milano Metals and Recycling
619 W. Main Street
Mt. Vernon, IL 62864

Shapiro Brothers of Illinois, Inc.
d/b/a Milano Metals and Recycling
Gino P. Federici, Registered Agent
510 South 6th Street
Mt. Vernon, IL 62864

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: March 21, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
MAR 26 2012
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
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Complainant,)
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v.)
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SHAPIRO BROTHERS OF ILLINOIS, INC.)
D/B/A MILANO METALS AND RECYCLING,)
)
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Respondents.)

AC 12-33
(IEPA No. 65-12-AC)

ORIGINAL
RETURN TO CLERK'S OFFICE

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 (2010).

FACTS

1. That Shapiro Brothers of Illinois, Inc. d/b/a Milano Metals and Recycling are the current owner and operator ("Respondent's") of a facility located at 510 South 6th Street, Mt. Vernon, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Shapiro Brothers of Illinois, Inc. d/b/a Milano Metals and Recycling.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No.0810300023.

3. That Respondent's have owned and operated said facility at all times pertinent hereto.

4. That on February 8, 2012, Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion 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 3-21-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 0568
7009 2820 0001 7496 0575
VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his February 8, 2012 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent's have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent's 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) (2010).
- (2) That Respondent's caused or allowed the open dumping of waste in a manner resulting in standing or flowing liquid discharge from the dump site, a violation of Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2010).
- (3) That Respondent's caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1)(2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondent's 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 Four Thousand Five Hundred Dollars (\$4,500.00). If Respondent's elect not to petition the Illinois Pollution Control Board, the statutory civil penalty

specified above shall be due and payable no later than April 30, 2012, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent's 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 (2010), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent's 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) (2010), if Respondent's 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's 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's 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 Respondent's in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent's 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 (2010). If Respondent's elect to contest this Administrative Citation, then Respondent's 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's.


John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date: 3/19/2012

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

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MAR 26 2012

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
SHAPIRO BROTHERS OF ILLINOIS, INC.)
D/B/A MILANO METALS AND RECYCLING,)
)
)
Respondents.)

AC 12-33
(IEPA No. 65-12-AC)

ORIGINAL
RETURN TO CLERK'S OFFICE

FACILITY: Shapiro Brothers of Illinois, Inc. d/b/a Milano Metals and Recycling
SITE CODE NO.: 0810300023
COUNTY: Jefferson
CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: February 8, 2012

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.

STATE OF ILLINOIS
COUNTY OF WILLIAMSON

)
) SS
)

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MAR 26 2012
STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

I, Garrison Gross, being first duly sworn upon oath, depose and state as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On February 8, 2012, between 1:00 p.m. and 2:40 p.m., Affiant conducted an inspection of the Shapiro Brothers of Illinois, Inc. d/b/a Milano Metals and Recycling in Jefferson County, Illinois, known as Shapiro Brothers of Illinois, Inc. d/b/a Milano Metals and Recycling by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0810300023 by the Agency.

3. Affiant inspected said Shapiro Brothers of Illinois, Inc. d/b/a Milano Metals and Recycling site by an on-site inspection, which included walking and photographing the site.

4. As a result of the material actions 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 Shapiro Brothers of Illinois, Inc. d/b/a Milano Metals and Recycling

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before
me this 27th day of February, 2012

Gail Stricklin
Notary Public

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Tire Storage Site Inspection Checklist

County: Jefferson LPC#: 0810300023 Region: 7- Marion

Facility Name: Shapiro Brothers of Illinois, Inc. d/b/a Milano Metals and Recycling

Facility Location: 510 South 6th Street, Mt. Vernon, Illinois 62864 Telephone: 618-244-3168

Date: 02/08/2012 Time: From 1:05 p.m. To 2:40 p.m. Previous Inspection Date: April 1, 2004

Inspector: Garrison Gross No. of Photos Taken: # 12

Weather: overcast skies, 36° F, moderate breeze No. of Samples Taken: N/A

Interviewed: Michael Federici Complaint #: N/A

Waste Tire Hauler Used: None Hauler Registration Number: _____

Responsible Party Mailing Address(es):
 Shapiro Brothers of Illinois, Inc.
 d/b/a Milano Metals and Recycling
 P.O. Box 1327
 Mt. Vernon, Illinois 62864

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 OFFICE OF ILLINOIS
 Pollution Control Board

-100

Estimated Number of Used Tires Located At This Facility, including altered, converted and processed tires.

SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1	21(k) FAIL OR REFUSE TO PAY ANY FEE IMPOSED UNDER THIS ACT	<input checked="" type="checkbox"/>
2	55(a)(4) CAUSE OR ALLOW THE OPERATION OF A TIRE STORAGE SITE EXCEPT IN COMPLIANCE WITH BOARD REGULATIONS Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
3	55(b-1) NO PERSON SHALL KNOWINGLY MIX ANY USED OR WASTE TIRE, EITHER WHOLE OR CUT, WITH MUNICIPAL WASTE	<input type="checkbox"/>
4	55(c) FAILURE TO FILE THE REQUIRED NOTIFICATION WITH THE AGENCY BY 1/1/90 OR WITHIN 30 DAYS OF COMMENCEMENT OF THE STORAGE ACTIVITY.	<input checked="" type="checkbox"/>
5	55(d)(1) CAUSE OR ALLOW THE OPERATION OF A TIRE STORAGE SITE WHICH CONTAINS MORE THAN 50 USED TIRES WITHOUT MEETING THE FOLLOWING REQUIREMENTS BY JANUARY 1 OF EACH YEAR: i. Register the Site with the Agency ii. Certify to the Agency that the Site Complies with any Applicable Standards Adopted by the Board Pursuant to Section 55.2 iii. Report to the Agency the Number of Tires Accumulated, the Status of Vector Controls, and the Actions Taken to Handle and Process the Tires iv. Pay the Fee Required under Subsection (b) of Section 55.6	<input checked="" type="checkbox"/>
6	55(e) CAUSE OR ALLOW THE STORAGE, DISPOSAL, TREATMENT OR PROCESSING 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"/>
7	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"/>
8	55(g) 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"/>
9	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"/>

10	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"/>
11	55.6(b)	FAILURE OF THE OWNER OR OPERATOR OF A TIRE STORAGE SITE TO PAY TO THE AGENCY AN ANNUAL FEE OF \$100.00 BY JANUARY 1 OF EACH YEAR.	<input checked="" type="checkbox"/>
12	55.8(a)	ANY PERSON SELLING TIRES AT RETAIL OR OFFERING TIRES FOR RETAIL SALE IN THIS STATE SHALL:	
	(1)	Collect from Retail Customers a Fee of \$2.50 Per Tire Sold to be Paid to the Department of Revenue.	<input type="checkbox"/>
	(2)	Accept for Recycling Used Tires from Customers, at the Point of Transfer, in Quantity Equal to the Number of New Tires Purchased.	<input type="checkbox"/>
	(3)	Post in a Conspicuous Place a Written Notice at Least 8.5 by 11 Inches in Size that Includes the Universal Recycling Symbol and the Following Statements: "DO NOT put used tires in the trash.", and "State law requires us to accept used tires for recycling, in exchange for new tires purchased."	<input type="checkbox"/>
13	55.8(b)	A PERSON WHO ACCEPTS USED TIRES FOR RECYCLING UNDER 55.8(a) SHALL NOT ALLOW THE TIRES TO ACCUMULATE FOR PERIODS OF MORE THAN 90 DAYS	<input type="checkbox"/>
14	55.9	RETAILERS SHALL COLLECT THE FEE FROM PURCHASER BY ADDING THE FEE TO THE SELLING PRICE OF THE TIRE. THE FEE IMPOSED SHALL BE STATED AS A DISTINCT ITEM SEPARATE AND APART FROM THE SELLING PRICE	<input type="checkbox"/>
PART 848, SUBPART B: MANAGEMENT STANDARDS			
15	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 checked="" 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"/>
	(5)	NOT Store Any Used or Waste Tire for More Than 14 Days after Receipt Without Altering, Reprocessing, Converting, Covering or Otherwise Preventing the Tire from Accumulating Water	<input checked="" type="checkbox"/>
	(7)	NOT Accept Any Used or Waste Tire from a Vehicle in Which More than 20 Tires Are Loaded Unless the Vehicle Displays a Placard Issued by the Agency Under Part 848: Subpart F	<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"/>
16	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 Section 848.203	<input type="checkbox"/>
	(2)	Meet the Record Keeping and Reporting Requirements of Part 848: Subpart C Note: Also Mark a Violation of Subpart C	<input type="checkbox"/>
	(3)	NOT Place or Accumulate any Used or Waste Tire in Any Pile Less Than 50 Feet From Grass, Weeds, Brush, Over-hanging Tree Limbs and Similar Vegetative Growth	<input type="checkbox"/>
	(4)	NOT Place or Accumulate any Used or Waste Tire in Any Tire Storage Unit That is More Than 20 Feet High by 250 Feet Wide by 250 Feet Long(Aisle Space Between Any Piles Within the Unit Shall Be Included in Determining the Width or Length of the Unit)	<input type="checkbox"/>

	(5)	NOT Place or Accumulate any Used or Waste Tires in any Tire Storage Unit Unless they meet: (A) <input type="checkbox"/> Tires are separated by a Berm 1.5 times the height of the tire pile (B) <input type="checkbox"/> Separation Requirements of this part.	<input type="checkbox"/>
17	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:	
	(1)	Completely Surround the Site by Fencing in Good Repair Which Is Not less than 6 Feet in Height	<input type="checkbox"/>
	(2)	Maintain an Entrance to the Area Where Used or Waste Tires are Located, Which is Controlled At all Times by an Attendant, Locked Entrance, Television Monitors, Controlled Roadway Access or Other Equivalent Mechanism	<input type="checkbox"/>
	(3)	Completely Surround the Area Where Used or Waste Tires Are Stored by an Earthen Berm or Other Structures Not Less Than 2 Feet in Height Capable of Containing Runoff Resulting from Tire Fires, and Accessible by Fire Fighting Equipment, Except that the Owner or Operator Shall Provide a Means for Access through or Over the Berm or Other Structure	<input type="checkbox"/>
18	848.203	CONTINGENCY PLAN REQUIREMENTS FOR STORAGE SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of Section 848.203 Note: Also Mark a Violation of 848.203(b), (c), (d), (e), (f), (g), or (h)	<input 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 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 employee 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			
19	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"/>
20	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 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 type="checkbox"/>
21	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:	<input type="checkbox"/>

	(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 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 and implemented within 14 days of filing with the Agency.	<input type="checkbox"/>
	(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 Section 848, Subpart C	<input type="checkbox"/>
22	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			
23	848.205	OWNERS OR OPERATORS OF TIRE STORAGE 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"/>
24	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 Storage Sites with More than 500 Used or Waste Tires			
25	848.302(a)	The owner/operator shall keep on site a: (1) <input type="checkbox"/> Daily Tire Record (2) <input type="checkbox"/> Annual Tire Summary	<input type="checkbox"/>
26	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"/>
27	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"/>
28	848.304	FAILURE TO MAINTAIN ON SITE AN ANNUAL TIRE SUMMARY FOR EACH CALENDAR YEAR THAT INCLUDES:	<input type="checkbox"/>
	(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 used or waste tires received at the site during the calendar year.	<input type="checkbox"/>
	(b)(2)	The weight or volume of used or waste tires transported from the site during the calendar year.	<input type="checkbox"/>
	(b)(3)	The total number of used or waste tires determined in PTE remaining in storage at the conclusion of the calendar year	<input type="checkbox"/>

	(b)(4)	The weight or volume of used or waste tires combusted during the calendar year.	<input type="checkbox"/>
29	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input type="checkbox"/>
30	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 Stored 5000 or More Used or Waste Tires			
31	848.400(b)(1)	AT TIRE STORAGE SITES AT WHICH TIRES ARE FIRST STORED ON OR AFTER 1/1/92, FAILURE TO COMPLY WITH SUBPART D PRIOR TO STORING ANY USED OR WASTE TIRES Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
32	848.400(b)(2)	AT TIRE STORAGE SITES AT WHICH TIRES ARE STORED 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"/>
33	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"/>
34	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"/>
35	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL TIRES.	<input type="checkbox"/>
36	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS			
37	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"/>
38	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"/>
39	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"/>
40	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"/>
THE FOLLOWING VIOLATIONS MAY BE CITED WHEN WASTES, INCLUDING TIRES, HAVE BEEN <u>DISPOSED</u> AT A TIRE STORAGE SITE			
41	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS.	<input type="checkbox"/>
42	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>

43	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
44	12(d)	CREATE A WATER POLLUTION HAZARD	<input checked="" type="checkbox"/>
45	21(a)	CAUSE OR ALLOW OPEN DUMPING <input type="checkbox"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE	<input checked="" type="checkbox"/>
46	21(d)(1)	CONDUCT ANY WASTE- STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION WITHOUT A PERMIT.	<input checked="" type="checkbox"/>
47	21(d)(2)	CONDUCT ANY WASTE- STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION 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"/>
48	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE AT A SITE WHICH DOES NOT MEET THE REQUIREMENTS OF THIS ACT AND REGULATIONS. Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
49	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING	
	(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 checked="" type="checkbox"/>
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
50	55(k)(1)	No person shall cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.	<input checked="" type="checkbox"/>
51	722.111	Hazardous Waste Determination (Auto Salvage Residue)	<input checked="" type="checkbox"/>
52	808.121	Special Waste Determination (Auto Salvage Residue)	<input checked="" type="checkbox"/>
53	733.114	Failure to properly label universal waste batteries or containers as "Universal Waste Batteries"	<input checked="" type="checkbox"/>
53	739.122(c)	Failure to properly label used oil containers as "Used Oil"	<input checked="" type="checkbox"/>
55	812.101(a)	Failure to submit an application for a permit to develop and operate a landfill	<input checked="" type="checkbox"/>

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 1, 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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

LPC #: 0810300023 – Jefferson County

Name: Shapiro Brothers of Illinois, Inc. d/b/a Milano Metals and Recycling

Date of Inspection: February 8, 2012

Inspector: Garrison Gross

Subject: Used / Waste Tire Storage Inspection at Shapiro Brothers / Milano Metals

General Remarks: A Used / Waste Tire Storage Inspection was conducted on Wednesday, February 8, 2012, at Shapiro Brothers / Milano Metals. The inspection was conducted by Garrison Gross and Maggie Stevenson representing the Illinois EPA Bureau of Land. Becky Jayne representing the Illinois EPA Pollution Prevention Program accompanied us during the inspection. The site is located at 510 South 6th Street, Mt. Vernon, Illinois 62864. The inspection was routine in nature. Weather conditions at the time of the inspection were overcast skies, 36° F, with a moderate breeze. Surface conditions at the site were damp to muddy.

Inspection Findings: The inspection began at approximately 1:05 p.m. The inspectors entered the site and met with Michael Federici. We introduced ourselves and explained the reason for the inspection. The facility accepts vehicles, white goods, and other ferrous and non-ferrous metals for recycling. The business is registered with the Secretary of State. We inquired about automotive fluids, batteries, and used / waste tires. Mr. Federici stated that their policy requires that all vehicles are to be drained of fluids before being accepted at the site. He stated that they do not usually accept tires except from good customers. He told us that regular customers can bring in vehicles with tires but are required to pick up the used / waste tires when they return with another load of metal. He told us that some tires inadvertently accepted and some are hauled off with the scrap metal. Others tires are stored until a truck load is accumulated. Mr. Federici told us that waste tires had been hauled to Dozit Landfill in the past.

We conducted a walking inspection of the facility and took photographs while we were at the site. We observed the intake area where small loads of metals are unloaded and weighed. Waste batteries are accepted at the site for recycling. The batteries were stored inside a building in cardboard Gaylord / wooden pallet container (photos 001 and 002). The containers were not being marked as “Universal Waste Batteries” as required.

We observed the two areas where scrap waste metals were loaded by material handlers (industry specific excavators) onto railcars. Some vehicle components (i.e. engines and transmissions) were segregated from the vehicle frame. Some of the vehicle components were covered in automotive fluids had been dumped onto the ground (photo 004). Automotive fluids were flowing away from the area. Other segregated metals were stored in tanks and truck beds (photo 005). Mr. Federici stated that the load of vehicle components should have been kept in a tank until they were loaded on a railcar.

Waste tires were observed in several locations throughout the site (photos 006, 008 and 009). Waste tires were observed on some recently acquired vehicles, comingled with scrap metal and stored outside in an adjacent storage lot. Several tires were on rim but not holding air. Others were off the rim and some had accumulated water. More than 50 used / waste tires were observed at the site. The site should be registered as a tire storage site.

A metal shear was located at the second railcar loading area (photo 010). The metal shear had leaked hydraulic fluid onto the ground. No less than four (4) large piles of automotive salvage residue (ASR) or “fluff” were observed along the northeastern property boundary (photos 007 and 011). The piles of ASR contained metal, plastic, glass and soil. One of the piles appeared to be over 30 feet high and woody vegetation was growing on the top of the pile. Three other distinct piles were observed and all were more than 10 feet high. Mr. Federici did not know how long the piles had been at the site. He stated that a flip screen was going to be used to

**0810300023 – Jefferson County
Shapiro Brothers of Illinois, Inc.
d/b/a Milano Metals & Recycling
February 8, 2012**

segregate the scrap metal from the soil and other debris. He told us that the flip screen was being used in Centralia. The heavy machinery processing area was observed. Torches were being used to cut up heavy equipment.

We returned to the office and asked to review disposal records. No disposal receipts were available for used / waste tires. No records for automotive fluid recycling were provided. Mr. Federici located a file that contained a letter dated April 5, 2011. The letter was a rejection of their tire transporting application. Page 2 and 4 of the application had not submitted. One landfill receipt dated December 31, 2011 was presented for Wayne County Landfill. The receipt was for 6.97 tons of general refuse. Mr. Federici asked us if we knew of a company that screened and segregated "fluff." None of us were familiar with any company that specialized in that type of operation. I recommended that he call his local equipment dealer / repair service.

A closing conference was held and we recommended marking or labeling the Gaylord's containing "universal waste batteries." We informed him that the facility was not registered as a tire storage site and they were not properly handling used / waste tires. We explained that procedures would need to be changed to prevent the tires from accumulating water. We recommended an enclosed box trailer or dump trailer with a tarp to properly store the tires upon receipt. We recommended that they renew their tire transporter registration. We recommended that steps should be taken to prevent spillage and runoff of automotive fluids. We recommended that the ASR be screened to remove metals and dispose of the remaining residue at the landfill. We informed him that the facility would be receiving a letter in the near future. Approximately 1000 cubic yards of ASR waste were observed at the site. More than 50 used waste tires were observed at the site. The inspection ended at approximately 2:40 p.m.

Additional Remarks: Agency records indicate that T-7568 was registered to Milano Metals & Recycling at the same location. The number is expired. Shapiro Brothers / Milano Metals failed to submit a Used / Waste Tire Activity Notification Form for tire storage activities. Information obtained from the Jefferson County Supervisor of Assessment's Office indicated that tax bills are mailed to Shapiro Brothers of Illinois, Inc., P.O. Box 1327, Mt. Vernon, Illinois 62864. The site consists of several parcels: #07-32-128-006, 07-32-129-003 and 07-32-253-001. Based on the parcel maps, it appeared that used / waste tires were also being stored on parcel 07-32-231-001 which is owned by Missouri Pacific Rail Road Company c/o Union Pacific Tax Department, 1400 Douglas Street, Stop 1640, Omaha, Nebraska 68179-1640.

Summary of Apparent Violations:

21(k)	848.202(b)(1)	21(d)(2)	808.121
55(a)(4)	848.202(b)(5)	21(e)	733.114
55(c)	12(a)	21(p)(1)	739.122(c)
55(d)(1)	12(d)	21(p)(6)	812.101(a)
55(e)	21(a)	55(k)(1)	
55.6(b)	21(d)(1)	722.111	



ENVIRONMENTAL PROTECTION AGENCY

Inspection Site Sketch

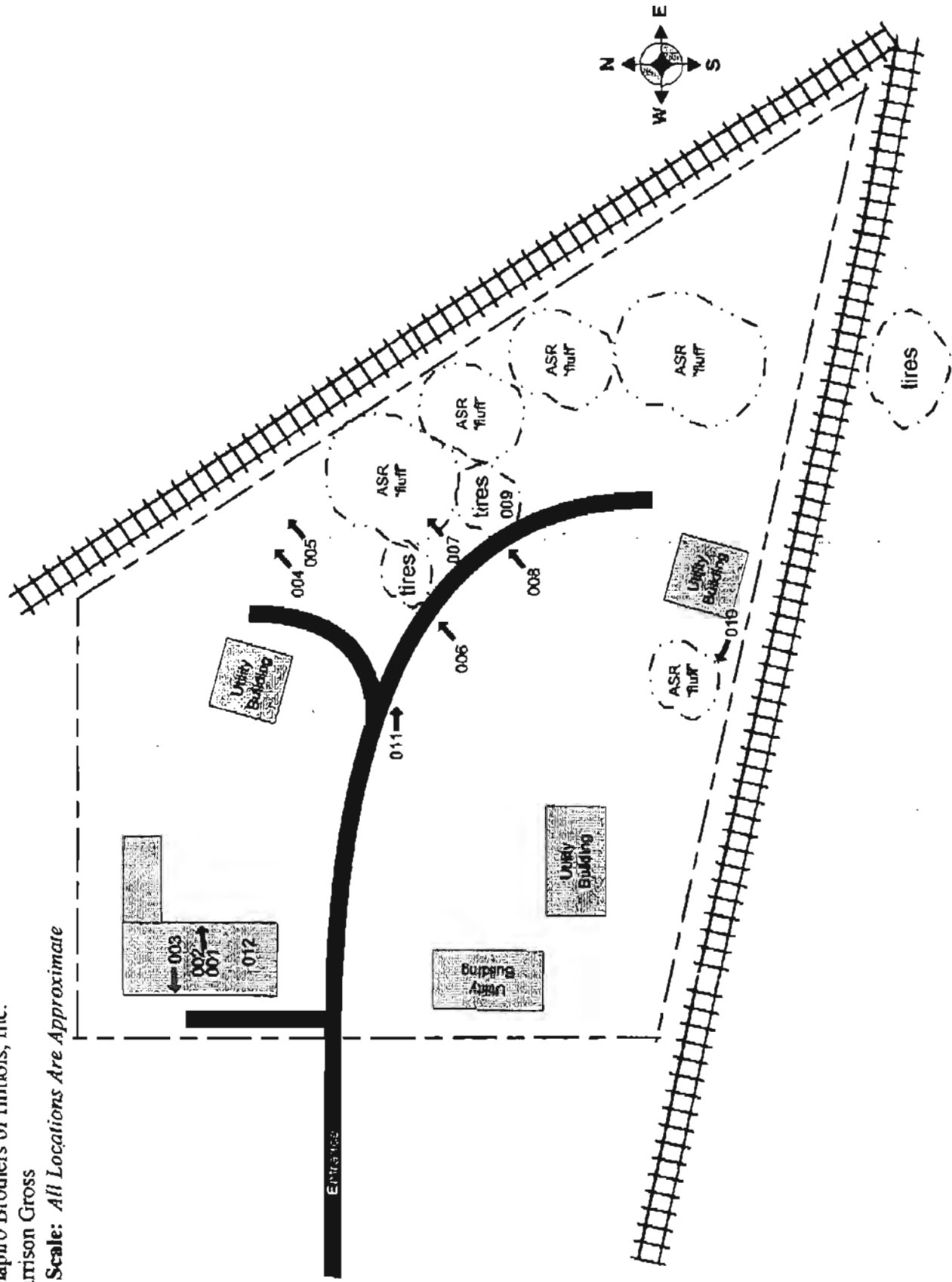
Date: February 8, 2012

BOL ID #: 0810300023 – Jefferson County

Site Name: Shapiro Brothers of Illinois, Inc.

Inspector: Garrison Gross

Not Drawn to Scale: All Locations Are Approximate





DIGITAL PHOTOGRAPHS



Date: 02/08/2012
Time: 1:27 p.m.
Direction: east
Photo by: Garrison Gross
Exposure #: 001
Comments: unlabeled
container of universal
waste batteries



Date: 02/08/2012
Time: 1:27 p.m.
Direction: east
Photo by: Garrison Gross
Exposure #: 002
Comments: universal
waste batteries

File Names: 0810300023~02082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 02/08/2012
Time: 1:28 p.m.
Direction: west
Photo by: Garrison Gross
Exposure #: 003
Comments: unlabeled
used oil container



Date: 02/08/2012
Time: 1:40 p.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 004
Comments: vehicle
components covered in
automotive fluids and
spillage onto ground

File Names: 0810300023~02082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 02/08/2012
Time: 1:40 p.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 005
Comments: scrap iron storage



Date: 02/08/2012
Time: 1:42 p.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 006
Comments: waste tires

File Names: 0810300023~02082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS

Date: 02/08/2012
Time: 1:43 p.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 007
Comments: piles of ASR



Date: 02/08/2012
Time: 1:45 p.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 008
Comments: waste tires



File Names: 0810300023~02082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 02/08/2012
Time: 1:46 p.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 009
Comments: waste tires holding water



Date: 02/08/2012
Time: 1:50 p.m.
Direction: northwest
Photo by: Garrison Gross
Exposure #: 010
Comments: pile of ASR

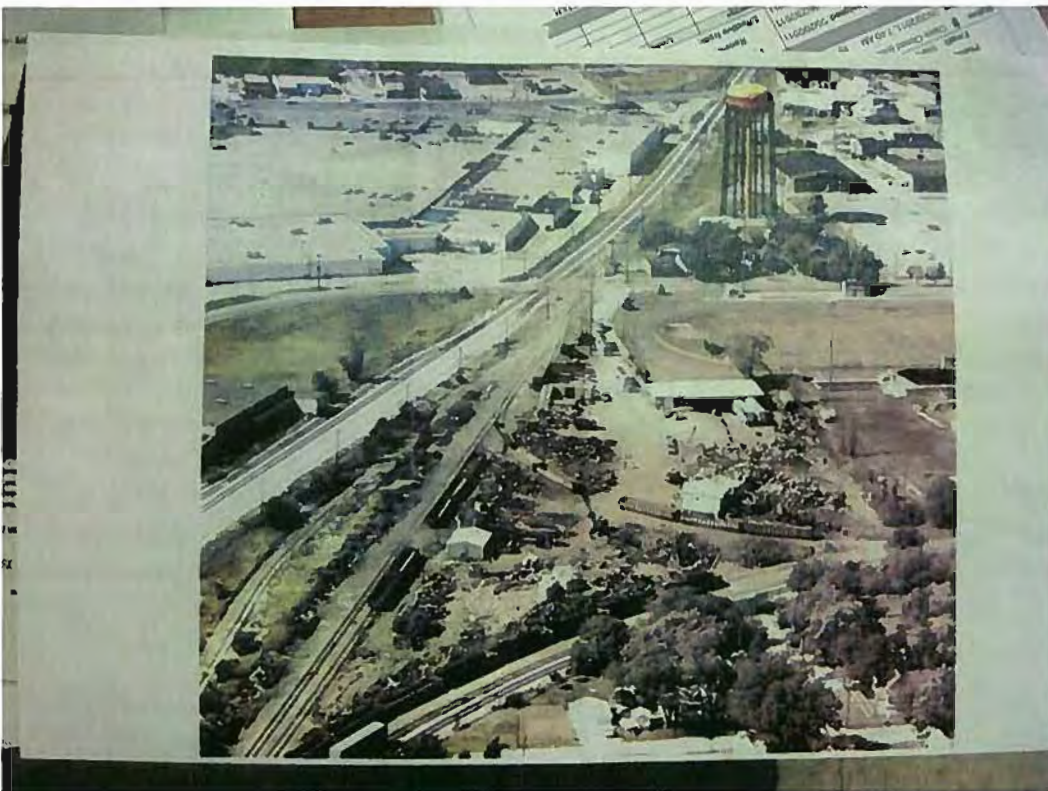
File Names: 0810300023~02082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 02/08/2012
Time: 1:54 p.m.
Direction: east
Photo by: Garrison Gross
Exposure #: 011
Comments: piles of ASR



Date: 02/08/2012
Time: 2:02 p.m.
Direction: n/a
Photo by: Garrison Gross
Exposure #: 012
Comments: map of facility

File Names: 0810300023~02082012-[Exp. #].jpg

RECEIVED
CLERK'S OFFICE

MAR 26 2012

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I hereby certify that I did on the 21st day of March 2012, 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: Shapiro Brothers of Illinois, Inc.
P.O. Box 1327
Mt. Vernon, IL 62864

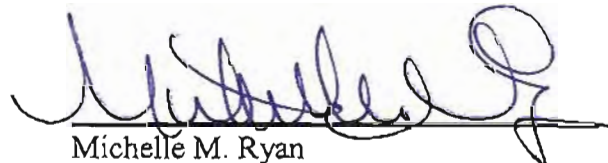
Shapiro Brothers of Illinois, Inc.
d/b/a Milano Metals and Recycling
619 W. Main Street
Mt. Vernon, IL 62864

Shapiro Brothers of Illinois, Inc.
d/b/a Milano Metals and Recycling
Gino P. Federici, Registered Agent
510 South 6th Street
Mt. Vernon, IL 62864

ORIGINAL
RETURN TO CLERK'S OFFICE

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

THIS FILING SUBMITTED ON RECYCLED PAPER