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CLERK'S OFFICE

MAR 11 2004

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC04-54

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

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

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ADMINISTRATIVE CITATION

MAR 11 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

U.S. SCRAP AND METAL,

Respondent.

AC

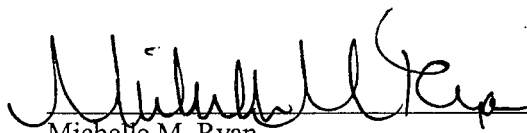
(IEPA No. 106-04-AC)

NOTICE OF FILING

To: U.S. Scrap and Metal
Rea Hornstein, Registered Agent
1551 E. McBride Ave.
Decatur, Illinois 62526

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Special Assistant Attorney General

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

Dated: March 8, 2004

RECEIVED
CLERK'S OFFICE

MAR 11 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

U.S. SCRAP AND METAL,

Respondent.

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AC 04-54

(IEPA No. 106-04-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2002).

FACTS

1. That U.S. Scrap and Metal ("Respondent") is the present owner of a facility located at 1551 E. McBride Avenue, Macon County, Decatur, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Decatur/Scrap and Metal.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1150150116.

3. That Respondent has owned said facility at all times pertinent hereto.

4. That on January 13, 2004, Dustin Burger of the Illinois Environmental Protection Agency's Champaign 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.

VIOLATIONS

Based upon direct observations made by Dustin Burger during the course of his January 13, 2004 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of One Thousand Five Hundred (\$1,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than March 31, 2004, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2002), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the 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 Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2002). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.



Renee Cipriano, Director
Illinois Environmental Protection Agency

Date: 3/8/04

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

U.S. SCRAP AND METAL,

Respondent.

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(IEPA No. 106-04-AC)

FACILITY: Decatur/U.S. Scrap and Metal

SITE CODE NO.: 1150150116

COUNTY: Macon

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: January 13, 2004

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Macon LPC#: 1150150116 Region: 4 - Champaign
 Location/Site Name: Decatur/U.S. Scrap and Metal
 Date: 01/13/2004 Time: From 11:20A To 11:40A Previous Inspection Date: 08/11/2003
 Inspector(s): Dustin Burger Weather: Overcast, wet w/recent rains, low 40s
 No. of Photos Taken: # 8 Est. Amt. of Waste: 40 yds³ Samples Taken: Yes # No ☒
 Interviewed: Unnamed secretary Complaint #: C04-009-CH

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

U.S. Scrap and Metal
 1551 E. McBride Ave
 Decatur, Illinois 62526
 217/233-0090

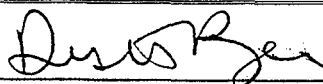
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 IEPA-DLPC

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	☐
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	☐
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	☐
4.	12(d)	CREATE A WATER POLLUTION HAZARD	☐
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	☒
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	☒
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	☒
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	☒
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	☒
	(2)	Scavenging	☐
	(3)	Open Burning	☐
	(4)	Deposition of Waste in Standing or Flowing Waters	☒
	(5)	Proliferation of Disease Vectors	☒
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	☐

LPC # 1150150116--U.S. Scrap

Inspection Date: 01/13/2004

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



Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

Illinois Environmental Protection Agency
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC#1150150116--Macon County
Decatur/U.S. Scrap and Metal
FOS File
Inspector: Dustin Burger
January 13, 2004 Inspection
Complaint No: C04-009-CH
GIS Info: N39.86788; W88.93511

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FEB 10 2004

IEPA-DLPC

Narrative Inspection Report

I conducted an open dump re-inspection at the above referenced facility on January 13, 2004. The inspection lasted from approximately 11:20 to 11:40 A.M. This inspection was conducted to determine the regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). The weather was overcast and wet with temperatures in the lower 40s. Eight photos were taken during the visit. I spoke briefly with the administrative secretary during my visit.

Champaign Region received a complaint alleging U.S. Scrap and Metal had dumped fuel, oil, hydraulic fluids, paint, and liquid freon onto the ground. An inspection on August 11, 2003 found household-type waste dumped near the south edge of the scrap yard and several piles of materials that did not consist of metal suitable for recycling. An ACWN was sent on September 18, 2003 and was received on September 22, 2003. The ACWN set a compliance date of October 31, 2003 to remove all waste to a permitted facility.

The property is an industrial scrap yard with piles of metal scattered across the area. A large pile of general refuse was noted along the south boundary of the property. The material appeared to be general household refuse that had been dumped by a large truck. Mr. Artis, a U.S. Scrap employe said during my previous visit the waste was not from the business, but someone had dumped it using a side access road. The pile was still present during this inspection, and did not look like it had been touched since my previous visit. The pile is pictured in photos 1 and 2. I noted plastic garbage bags full of paper, plastic, foam, glass, and other, non-recyclable wastes.

Several other areas at the property also had non-metallic wastes. Photo 3 shows a pile of plastic boxes behind a pile of sawdust. During my previous visit, I was told the sawdust contained nails that were removed for recycling. I had told the personnel at the site that removing the nails from the wood scraps is waste treatment, and they should not accept wastes that have to be treated before they are recycled. I also noted several mattresses (photo &) and a pile of mixed general construction and demolition debris on the east side of the property. The construction debris was a mixed pile of bricks, metal, and wood.

A check of records found the scrap yard has an NPDES stormwater permit granted in 1998.

Apparent violations observed during this inspection:

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 1/2, 1001 et. seq.) {hereinafter called the "Act"}

1. Pursuant to Section 21(a) of the Act, no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Wastes were observed open dumped at this site.**

2. Pursuant to Section 21(d)(1) of the Act, in relevant part, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted there under.

A violation of Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **Evidence that a waste-disposal operation was being operated without a permit was observed.**

3. Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **Evidence that a waste disposal operation was being conducted in violation of the regulations was observed.**

4. Pursuant to Section 21(e) of the Act, no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards there under.

A violation of Section 21(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Evidence that waste is being transported and disposed of at this site which does not meet the requirements of the Act or Regulations was observed.**

5. Pursuant to Section 21(p) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)), no person shall, in violation of subdivision (a) of this Section[21], cause or allow the open dumping of any waste in a manner which results in

1. litter;
2. scavenging;
3. open burning;
4. deposition of waste in standing or flowing waters;
5. proliferation of disease vectors; or
6. standing or flowing liquid discharge from the dump site.
7. deposition of:
 - (i) general construction or demolition debris as defined in Section 3.78 of this Act; or
 - (ii) clean construction or demolition debris as defined in Section 3.78a of this Act.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)) is alleged for the following reason: **Evidence of open dumping with (1) litter, and (4) deposition of waste in standing water, and (5) proliferation of disease vectors, was observed during this inspection.** *in* 3/2/07

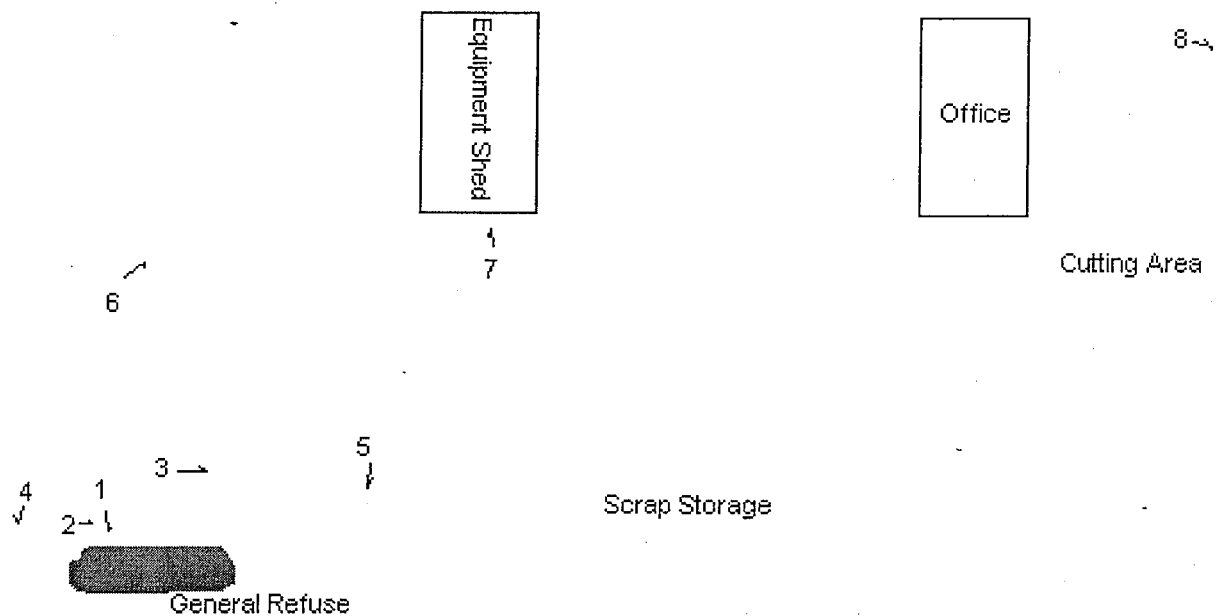
35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Waste Disposal, Chapter I: Pollution Control Board) [Regulations]

6. Pursuant to Section 812.101(a), all persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(d)) [415 ILCS 5/21(d)] shall submit to the Agency an application for a permit to develop and operate a landfill. The applications must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: Evidence of the operation of a landfill was observed. **The site does not have a permit to operate a sanitary landfill.**

1
NORTH

McBride Street



LPC#1150150116--Macon County
Decatur/U.S. Scrap and Metal
January 13, 2003 Inspection
Site Sketch

Not to Scale
Numbers denote approx. photo location/direction



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC #1150150116--Macon County
Decatur/U.S. Scrap and Metal
FOS File**

**DATE: January 13, 2004
TIME: 11:20-11:40 A.M.
DIRECTION: South
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~01132004-001.jpg
COMMENTS:**



**DATE: January 13, 2004
TIME: 11:20-11:40 A.M.
DIRECTION: Southeast
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~01132004-002.jpg
COMMENTS:**





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1150150116--Macon County
Decatur/U.S. Scrap and Metal
FOS File

DATE: January 13, 2004
TIME: 11:20-11:40 A.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~01132004-003.jpg
COMMENTS:



DATE: January 13, 2004
TIME: 11:20-11:40 A.M.
DIRECTION: South
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~01132004-004.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

**LPC #1150150116--Macon County
Decatur/U.S. Scrap and Metal
FOS File**

**DATE: January 13, 2004
TIME: 11:20-11:40 A.M.
DIRECTION: South
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~01132004-005.jpg
COMMENTS:**



**DATE: January 13, 2004
TIME: 11:20-11:40 A.M.
DIRECTION: ENE
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~01132004-006.jpg
COMMENTS:**





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1150150116--Macon County
Decatur/U.S. Scrap and Metal
FOS File

DATE: January 13, 2004
TIME: 11:20-11:40 A.M.
DIRECTION: North
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~01132004-007.jpg
COMMENTS:



DATE: January 13, 2004
TIME: 11:20-11:40 A.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~01132004-008.jpg
COMMENTS:





Results from Corporation Search

Entity Name	U.S. SCRAP & METAL CO.	File Number	58251372
Entity Type	Corporate Master	Type Corporation	Domestic BCA
Incorporation Date	03/20/1995	State	ILLINOIS
Agent Name	REA HORNSTEIN	Agent Change Date	03/20/1995
Agent Street	1551 MCBRIDE AVENUE	President Name	REA HORSTEIN 1551 MCBRIDE AVE DECATUR 62526
Agent City	DECATUR	Secretary Name	REA HORNSTEIN 1551 MCBRIDE AVE DECATUR 62526
Agent Zip	625260000	Duration Date	Perpetual
Current Paid Year	2004	Current Paid Date	00/00/0000
Assumed Name			

[back to the Corporation/LLC Search page](#)
[CyberDrive Illinois home page](#)

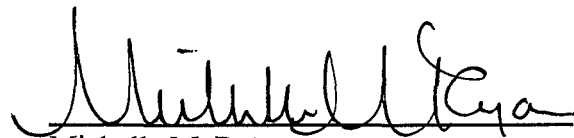
PROOF OF SERVICE

I hereby certify that I did on the 8th day of March 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: U.S. Scrap and Metal
Rea Hornstein, Registered Agent
1551 E. McBride Ave.
Decatur, Illinois 62526

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

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



Michelle M. Ryan
Special Assistant Attorney General

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