

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
JOEL A. MOSKE, d/b/a U.S. SCRAP,)
)
Respondent.)

PCB No. 11-42
(Enforcement – Land, Air)

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that on January 7, 2014, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, a MOTION TO DEEM ADMITTED MATTERS OF FACT AND GENUINENESS OF DOCUMENTS, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
Raymond J. Callery
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: January 7, 2014

CERTIFICATE OF SERVICE

I hereby certify that I did on January 7, 2014, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and MOTION TO DEEM ADMITTED MATTERS OF FACT AND GENUINENESS OF DOCUMENTS upon the persons listed below.

To: Joel A. Moske
U.S. Scrap
1551 E. McBride Street
Decatur, IL 62526

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794



RAYMOND J. CALLERY
Environmental Bureau
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 11-42
)	(Enforcement – Land, Air)
JOEL A. MOSKE, d/b/a U.S. SCRAP,)	
)	
Respondent.)	

MOTION TO DEEM ADMITTED MATTERS OF FACT AND GENUINENESS OF DOCUMENTS

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Section 101.618 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.618, hereby moves for the entry of an order deeming admitted against Respondent, JOEL A. MOSKE, d/b/a U.S. SCRAP, all matters of fact and genuineness of documents set forth in Complainant's Request for Admission of Facts and Genuineness of Documents. Pursuant to Section 101.502(a) of the Board's Procedural Rules, 35 Ill. Adm. Code 101.502(a), this motion is directed to the Hearing Officer.

I. Applicable Legal Standard

1. Section 101.618(f) of the Board's Procedural Rules, 35 Ill. Adm. Code 101.618(f) provides as follows:

- f) Admission in the Absence of Denial. Each of the matters of fact and the genuineness of each document of which admission is requested is admitted unless, within 28 days after service thereof, the party to whom the request is directed serves upon the party requesting the admission either a sworn statement denying specifically the matters of which admission is requested or setting forth in detail the reasons why the party cannot truthfully admit or deny those matters, or written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request must be answered within the period designated in the request. A denial must fairly address the substance of the requested admission.

2. Section 101.300 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.300, provides, in pertinent part, as follows:

- a) Computation of Time. Computation of any period of time prescribed in the Act, other applicable law, or these rules will begin with the first calendar day following the day on which the act, event or development occurs and will run until the close of business on the last day, or the next business day if the last day is a Saturday, Sunday or national or State legal holiday.

* * *

- c) Time of Service . . . In the case of service by U.S. Mail, service is presumed complete four days after mailing. The presumption can be rebutted by proper proof.

* * *

II. Grounds for Deeming Admitted Matters of Fact and Genuineness of Documents

1. On January 19, 2011, the People filed their Complaint against the Respondent. The People's Complaint alleges violations of Sections 9(a), 9(c), 21(a), 21(e), 21(p)(3) and 21(p)(7)(i) of the Act, 415 ILCS 5/9(a), 9(c), 21(a), 21(e), 21(p)(3) and 21(p)(7)(i) (2012); and, Sections 722.111 and 808.121 of the Board's Waste Regulations, 35 Ill. Adm. Code 722.111 and 808.121.

2. On October 25, 2012, the People served Respondent with their Request For Admission of Facts and Genuineness of Documents attached hereto as "Exhibit 1."

3. The Respondent has failed to respond to the Request For Admission of Facts and Genuineness of Documents.

4. By failing to serve upon the Complainant a sworn statement denying the matters of fact and genuineness of documents set forth in the Request For Admission of Facts and Genuineness of Documents, Respondent has admitted each of the matters of fact and the genuineness of each of the documents attached thereto.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests the Hearing Officer enter an order:

A. Finding the Respondent has admitted each of the matters of fact and the genuineness of each of the documents set forth in the Request For Admission of Facts

and Genuineness of Documents pursuant to Section 101.618 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.618; and

B. Ordering such other and further relief as is appropriate under the circumstances.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN,
Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY:



RAYMOND J. CALLERY
Environmental Bureau
Assistant Attorney General

ARDC#6193579
500 South Second Street
Springfield, Illinois 62706
217/782-9031

Dated: January 6, 2014.

Table of Contents

Exhibit 1	Request for Admission of Facts and Genuineness of Documents
Exhibit A	Inspection dated February 21, 2007, of U. S. Scrap
Exhibit B	Inspection dated May 6, 2008, of U.S. Scrap
Exhibit C	Inspection dated June 22, 2009, of U.S. Scrap
Exhibit D	Inspection dated November 12, 2010, of U.S. Scrap
Exhibit E	Inspection date February 22, 2012, of U.S. Scrap

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 11-42
)	(Enforcement – Land, Air)
JOEL A. MOSKE, d/b/a U.S. SCRAP,)	
)	
Respondent.)	

REQUEST FOR ADMISSION OF FACT AND GENUINENESS OF DOCUMENTS

Complainant, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Section 101.618 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.168 (2010), hereby serves upon the Respondent, JOEL A. MOSKE, d/b/a U.S. SCRAP, this Request for Admission of Fact and Genuineness of Documents. Failure to respond to the following requests to admit within 28 days may have severe consequences. Failure to respond to the following requests will result in all the facts requested being deemed admitted as true for this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding or an attorney.

REQUEST TO ADMIT FACTS

1. U.S. Scrap, Inc. ("U.S. Scrap") was registered as a domestic corporation in Illinois on March 20, 1995, and was involuntarily dissolved on August 14, 2009. The president of the corporation was Joel A. Moske.
2. Since U.S. Scrap dissolved, Joel A. Moske continues to operate out of the former U.S. Scrap office at 1551 E. McBride Street, Decatur, Macon County, Illinois ("site").
3. The site is not permitted by the Illinois EPA as a sanitary landfill.
4. On February 21, 2007, the Illinois EPA conducted an inspection of the site in order to investigate a complaint that tires were being burned on the site.

5. On February 21, 2007, several piles of soil mixed with debris including metal, wood, concrete, and insulation were on the site. A pile of uncharacterized gray, ash-like material was present on the south side of a storage building located on the west side of the site. In addition, a large pile of broken concrete with protruding rebar was located on the east side of the site.

6. On February 21, 2007, a pile of scrap wood, insulation, and tarboard was smoldering on the site.

7. On May 6, 2008, the gray, ash-like material, some piles of debris, and some of the broken concrete with the protruding rebar were no longer present. However, a roll-off box full of tires, some of the broken concrete with protruding rebar, and a large pile of soil mixed with debris including metals, plastic, concrete, wood, glass and rubber were present on the site.

8. On June 22, 2009, piles of scrap metal were on the site. In addition, the large pile containing soil mixed with other debris remained on site. The debris mixed into this pile included plastic, glass, fiberglass and metal.

9. On November 12, 2010, two piles of soil mixed with metal, rubber, plastic, and other small bits from automobiles were on the site. The pile located on the west side of the site measured 1100 cubic yards and the pile located on the southern side of the site measured 900 cubic yards. In addition, one small pile of scrap metals and two trailers containing used tires were on the site.

10. On February 22, 2012, two piles of soil mixed with metal, rubber, plastic, and other small bits from automobiles remained on the site. In addition, one small pile of scrap metals was on the site and a roll-off box full of old lumber.

REQUEST TO ADMIT GENUINENESS OF DOCUMENTS

1. Exhibit A is a genuine copy of the Illinois EPA inspection report, with attachments, of February 21, 2007.

2. Exhibit B is a genuine copy of the Illinois EPA inspection report, with attachments, of May 6, 2008.

3. Exhibit C is a genuine copy of the Illinois EPA inspection report, with attachments, of June 22, 2009.

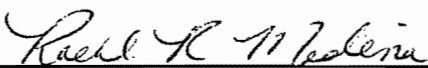
4. Exhibit D is a genuine copy of the Illinois EPA inspection report, with attachments, of November 12, 2010.

5. Exhibit E is a genuine copy of the Illinois EPA inspection report, with attachments, of February 22, 2012.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN,
Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
Rachel R. Medina
Environmental Bureau
Assistant Attorney General

ARDC #6297171
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 10-25-12

People v. U.S. Scrap
Illinois PCB 11-42

CERTIFICATE OF SERVICE

I hereby certify that I did on October 25, 2012, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the forgoing document entitled REQUEST FOR ADMISSION OF FACTS AND GENUINENESS OF DOCUMENTS.

Joel A. Moske
U.S. Scrap
1551 E. McBride Street
Decatur, IL 62526



Rachel R. Medina
Environmental Bureau
Assistant Attorney General

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

County: Macon LPC#: 1150150116 Region: 4 - Champaign
 Location/Site Name: Decatur/U.S. Scrap
 Date: 02/21/2007 Time: From 10:45A To 11:15A Previous Inspection Date: 04/26/2006
 Inspector(s): Dustin Burger Weather: Clear, wet w/snowmelt, 30s
 # of Photos Taken: # 8 Est. Amt. of Waste: 250 yds³ Samples Taken: Yes # No
 Interviewed: Joel Moske Complaint #: C07-121-CH
 Latitude: N39.86788 Longitude: W-88.93511 Collection Point Description: Center of Site - from BOL Inventory
 Sample: Lat.: 41.26493 Long.: -89.38294 Collection Method: Address Match

Responsible Party
 Billing Address(es)
 Phone Number(s):

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

RECEIVED
 APR 02 2007
IEPA/BOL

SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1. 9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2. 9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" 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 checked="" type="checkbox"/>
	(2) In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" 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	<input checked="" type="checkbox"/>
8. 21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1) Litter	<input checked="" type="checkbox"/>
	(2) Scavenging	<input type="checkbox"/>
	(3) Open Burning	<input checked="" 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"/>

RELEASABLE

MAY 04 2007

EXHIBIT
A

LPC # 1150150116--U.S. Scrap and Steel

Inspection Date: 02/21/2007

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(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"/>

**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	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input checked="" type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>

OTHER REQUIREMENTS

14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<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
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC#1150150116--Macon County
Decatur/U.S. Scrap
FOS File
Inspector: Dustin Burger
February 21, 2007 Inspection
Complaint No: C07-121-CH
GIS Info: N39.86788; W88.93511 (from BOL Inventory)

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APR 02 2007
IEPA/BOL

Narrative Inspection Report

I conducted an open dump re-inspection at the above referenced facility on February 21, 2007. The inspection lasted from approximately 10:45 until 11:15 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 clear and wet with recent snowmelt, with temperatures in the 30s. Eight photos were taken during the visit. I spoke with Joel Moske, the company owner.

Champaign Region received a complaint on February 20, 2007 alleging U.S. Scrap was burning tires to burn insulation of copper wire.

Background

Champaign Region previously received a previous complaint (C04-009-CH) 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 facility was reinspected in January 13, 2004 and was issued an Administrative Citation for \$1500 on March 11, 2004 for continued open dumping violations. An inspection on August 3, 2005 found continued open dumping violations. A Violation Notice dated 9/13/05 was sent to the owner, Ralph Fisch, who stated in his September 21, 2005 response that the site had been sold. The response was rejected on October 6, 2005 because the sale of the property did not relieve the former owner of responsibility for the clean-up of the property.

The property and company name were sold to METRO Salvage, who agreed to remove all non-recyclable wastes on-site as part of the sales contract on August 25, 2005. The contract was sent as part of the CCA letter. An inspection on 4/26/06 led to an ACWN on 6/1/2006. The property is owned by Metro Salvage, but operates as U.S. Scrap from the site.

RELEASABLE

MAY 04 2007

LPC#1150150116—Macon County
Decatur/U.S. Scrap
February 21, 2007 Inspection

February 21, 2007 Observations

The property is an industrial scrap yard with piles of metal scattered across the area. When I arrived for this inspection, I spoke with Joel Moske, the site owner, and explained the nature of the complaint. He said no one was burning any tires for wire. He said instead his employees were burning wood in a barrel to keep warm. When I asked to look around, he said it was okay.

I first walked to an area just south of the main office and building where I saw a pile of smoldering material. The material that had been burned include scrap wood with bits of insulation and tarboard. A 6' x 4' metal container was nearby and looked like it was the container in which the fire had been started (see photo 1).

The rest of the site looked essentially the same as my previous inspection in April of 2006. There were still several piles of soil mixed with scrapyard debris such as metal, wood, concrete, and insulation (photos 4, 6, 7). The pile of gray, ash-like material was still present on the south side of the western storage building. In addition, a large pile of broken concrete with protruding rebar on the east side of the site (photo 8).

After walking around the site, I returned to the office and spoke with Mr. Moske again. I first explained that the business should not burn any materials at the site. Even landscape waste burning is restricted in Decatur. Secondly, I told Moske that it did not look like any additional work had been completed since my last inspection. Moske said that when he bought the site, he started to remove all the accumulated waste rapidly, but was now out of money. He said when he had any extra cash, he would take a load to the landfill. He confirmed that the gray material was likely flyash, but said it was here when he bought the site and would likely take \$3,000 to remove the material. I replied that I was aware he had made improvements since he purchased the property, but there needed to be some timeframe for the site to be cleaned-up. I told him he would likely receive a Violation Notice, but could propose a Compliance Commitment Agreement with specific deadlines to complete the clean-up. The project could take up to a year, but no longer.

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 9(a) of the Act, no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with

LPC#J150150116—Macon County
Decatur/U.S. Scrap
February 21, 2007 Inspection

contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(a)) is alleged for the following reason: **Evidence of open burning, which would cause the emission of contaminants into the environment so as to cause air pollution in Illinois was observed during this inspection.**

2. Pursuant to Section 9(c) of the Act , in relevant part, no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of Section 9(c) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(c)) is alleged for the following reason: **Evidence of open burning of refuse was observed during this inspection.**

3. 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.**

4. 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.**

5. 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.**

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Decatur/U.S. Scrap
February 21, 2007 Inspection

6. 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.**

7. 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 (3) open burning and (7) deposition of construction and demolition debris was observed during this inspection.**

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

8. 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

LPC#1150150116—Macon County
Decatur/U.S. Scrap
February 21, 2007 Inspection

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.**

9. Pursuant to Section 722.111, a person who generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, shall determine if that waste is a hazardous waste using the following method:

a) The person should first determine if the waste is excluded from regulation under 35 Ill. Adm. Code 721.104.

b) The person should then determine if the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D. (Board Note: Even if a waste is listed, the generator still has an opportunity under 35 Ill. Adm. Code 720.122 and 40 CFR 260.22 (1986) to demonstrate that the waste from the generator's particular facility or operation is not a hazardous waste.

c) For purposes of compliance with 35 Ill. Adm. Code 728, or if the waste is not listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D, the generator shall then determine whether the waste is identified in 35 Ill. Adm. Code 721.Subpart C by either:

1) Testing the waste according to the methods set forth in 35 Ill. Adm. Code 721.Subpart C, or according to an equivalent method approved by the Board under 35 Ill. Adm. Code 720.121; or

2) Applying knowledge of the hazard characteristic of the waste in light of the materials or processes used.

d) If the generator determines that the waste is hazardous, the generator shall refer to 35 Ill. Adm. Code 724, 725, 728, and 733 for possible exclusions or restrictions pertaining to the management of the specific waste.

A violation of 35 Ill. Adm. Code 722.111 is alleged for the following reason: **The owner has not determined if a gray, ash-like material is a hazardous wastes.**

10. Pursuant to Section 808.121(a), each person who generates waste shall determine whether the waste is a special waste. BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.

LPC#1150150116—Macon County

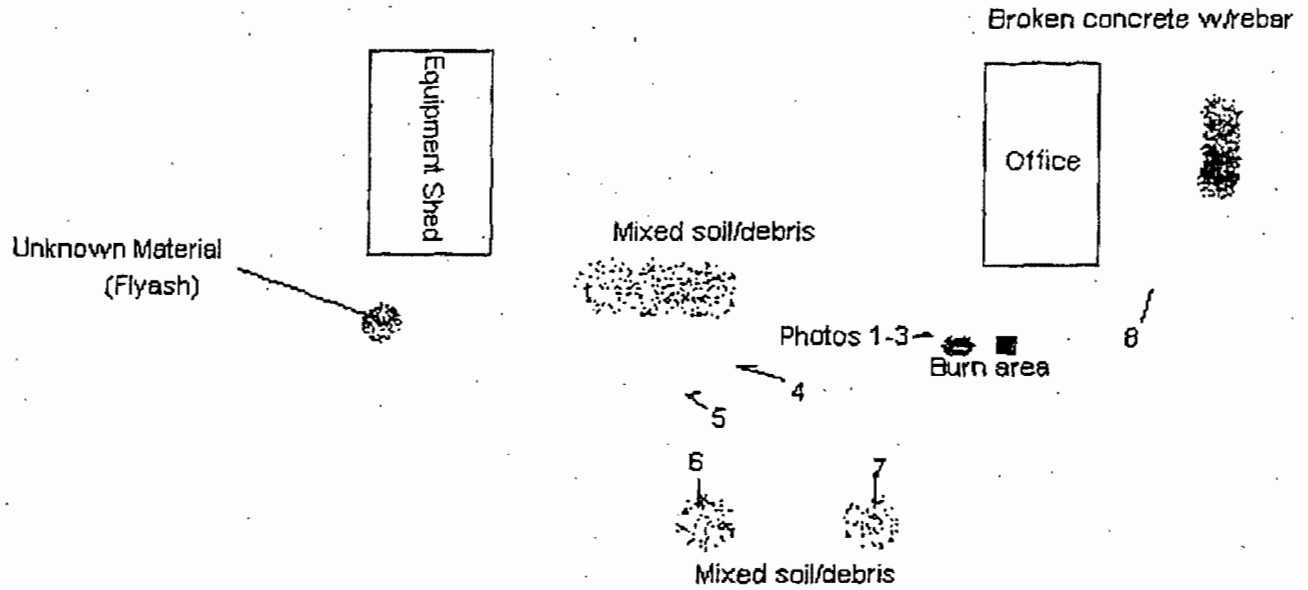
Decatur/U.S. Scrap

February 21, 2007 Inspection

A violation of 35 Ill. Adm. Code 808.121(a) is alleged for the following reason: **The generator has not determined if a gray, ash-like material is a special waste.**

↑
NORTH

McBride Street



LPC#1150150116--Macon County
Decatur/U.S. Scrap and Metal
February 21, 2007 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
FOS File

DATE: February 21, 2007
TIME: 10:45-11:15
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~02212007-001.jpg
COMMENTS: Material burned in
container in background.



DATE: February 21, 2007
TIME: 10:45-11:15
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~02212007-001.jpg
COMMENTS: Close-up of burned
C&D waste





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

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

DATE: February 21, 2007
TIME: 10:45-11:15
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116-02212007-003.jpg
COMMENTS: Close-up burned
C&D Material



DATE: February 21, 2007
TIME: 10:45-11:15
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116-02212007-004.jpg
COMMENTS: Piles of soil with
debris mixed-in.





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

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

DATE: February 21, 2007
TIME: 10:45-11:15
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~02212007-005.jpg
COMMENTS: Gray pile of flyash



DATE: February 21, 2007
TIME: 10:45-11:15
DIRECTION: South
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~02212007-006.jpg
COMMENTS: Pile of mixed
soil/metal/wood/insulation





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

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

DATE: February 21, 2007
TIME: 10:45-11:15
DIRECTION: South
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116-02212007-007.jpg
COMMENTS: Soil & debris



DATE: February 21, 2007
TIME: 10:45-11:15
DIRECTION: Northeast
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116-02212007-008.jpg
COMMENTS: Piles of broken
concrete.



Electronic Filing - Received, Clerk's Office : 01/07/2014
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Macon LPC#: 1150150116 Region: 4 - Champaign
 Location/Site Name: Decatur/U.S. Scrap and Steel
 Date: 05/06/2008 Time: From 11:00A To 11:15A Previous Inspection Date: 02/21/2007
 Inspector(s): Dustin Burger Weather: Clear, dry, 60s
 No. of Photos Taken: # 3 Est. Amt. of Waste: 250 yds³ Samples Taken: Yes # No
 Reviewed: Unidentified Employee Complaint #: C07-121-CH
 Latitude: N39.86788 Longitude: W-88.93511 Collection Point Description: Center of Site - from BOL Inventory
 Sample: Lat.: 41.26493 Long.: -89.38294 Collection Method: Address Match -

Responsible Party
 Billing Address(es)
 and Phone Number(s):
 U.S. Scrap and Steel
 1551 E. McBride Street
 Decatur, Illinois 62526
 217/233-0090

RECEIVED
 JUN 16 2008
IEPA/BOL

SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1. 9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2. 9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3. 12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4. 12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5. 21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6. 21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
(1)	Without a Permit	<input checked="" type="checkbox"/>
(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" 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	<input checked="" type="checkbox"/>
8. 21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
(1)	Litter	<input checked="" type="checkbox"/>
(2)	Scavenging	<input type="checkbox"/>
(3)	Open Burning	<input type="checkbox"/>
(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

RELEASABLE

JUN 10 2008

REVIEWER MD



LPC # 1150150116—U.S. Scrap and Steel

Inspection Date: 02/21/2007

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(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"/>
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	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
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	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<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).
5. 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
May 6, 2008 Inspection
GIS Info: N39.86788; W88.93511 (from BOL Inventory)

RELEASABLE

JUL 01 2008

REVIEWER MD

RECEIVED

JUN 16 2008

IEPA/BOL

Narrative Inspection Report

I conducted an open dump re-inspection at the above referenced facility on May 6, 2008, at approximately 11:00 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 clear and dry, with temperatures in the 60s. Three photos were taken during the visit. I spoke with R. Krumsick (spelled phonetically) during my visit.

Background

Champaign Region previously received a complaint (C04-009-CH) 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 facility was reinspected in January 13, 2004 and was issued an Administrative Citation for \$1500 on March 11, 2004 for continued open dumping violations. An inspection on August 3, 2005 found continued open dumping violations. A Violation Notice dated 9/13/05 was sent to the owner, Ralph Fisch, who stated in his September 21, 2005 response that the site had been sold. The response was rejected on October 6, 2005 because the sale of the property did not relieve the former owner of responsibility for the clean-up of the property.

The property and company name were sold to METRO Salvage, who agreed to remove all non-recyclable wastes on-site as part of the sales contract on August 25, 2005. The contract was sent as part of the CCA letter. An inspection on 4/26/06 led to an ACWN on 6/1/2006. The property is owned by Metro Salvage, but operates as U.S. Scrap from the site.

A February 21, 2007 inspection found the site still had several piles of general refuse, general C&D debris, a pile of presumed flyash, a large pile of broken concrete, and soil mixed with pieces of metal, plastic, tires, glass, wood, and other material scattered across the site. A Violation Notice was sent on March 28, 2007. A CCA was submitted on May

LPC#1150150116—Macon County
Decatur/U.S. Scrap
May 6, 2008 Inspection

30, 2007 with a final deadline for compliance set as February 1, 2008. The CCA was accepted, with modification regarding the timing of the removal of waste tires, on June 20, 2007.

Current Inspection

I inspected the site again on May 6, 2008. The office was closed so I walked out into the yard and met two employees working. The western and central areas of the scrapyard had most of the waste material removed. The flyash was gone, as were most of the small piles of mixed metal and other debris that were scattered around the central and western areas. The tires scattered around the site were gone, but there was a roll-off box present full of tires. It is unknown if these were the tires that were to be removed in 2007, or new tires that have been generated and placed in the container for disposal.

Most of the broken concrete with rebar pile on the east side of the site had also been removed. However, once gone it exposed a large waste area that was an amalgamation of metal, soil, plastic, concrete, wood, glass, and rubber. The volume is extremely large, amounting to approximately 100 semi-loads of mixed debris.

The worker accompanying me said the owner, Joel Moske, mentioned bringing in a magnet or trammel screen to separate the metal from the dirt and other debris. I advised that the material should ultimately be screened. My best estimation was that the material was approximately a third each of soil, metal, and other wastes. Screening the material would not only recover the value of the metal, but would also save the expense of disposing of soil at the landfill. Leaving the three combined, however, was unacceptable.

In summary, waste from the central and western areas of the property had been satisfactorily removed, but the eastern side of the property hold waste that needs to be screened to separate metal from soil and other debris.

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,

LPC#1150150116—Macon County

Decatur/U.S. Scrap

May 6, 2008 Inspection

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

LPC#1150150116—Macon County
Decatur/U.S. Scrap
May 6, 2008 Inspection

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 (7) deposition of construction and demolition debris was observed during this inspection.**

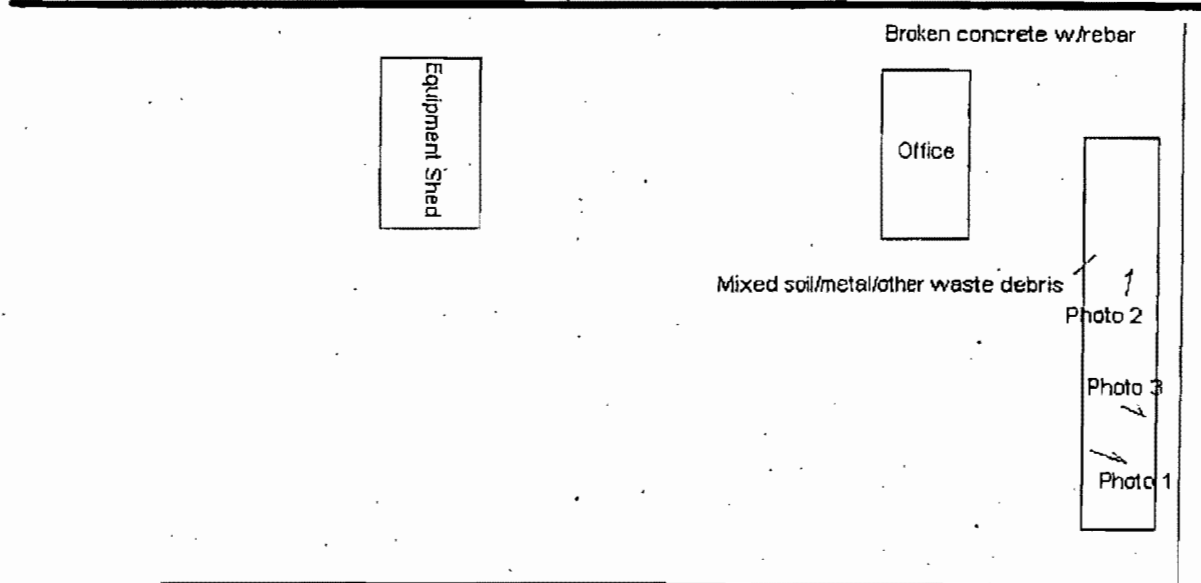
35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Waste Disposal, Chapter I: Pollution Control Board) [Regulations]

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.**

↑
NORTH

McBride Street



LPC#1150150116--Macon County
Decatur/U.S. Scrap and Metal
May 6, 2008
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
FOS File

DATE: May 6, 2008
TIME: 11:00A.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~05062008-001.jpg
COMMENTS:



DATE: May 6, 2008
TIME: 11:00A.M.
DIRECTION: North
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~05062008-002.jpg
COMMENTS:



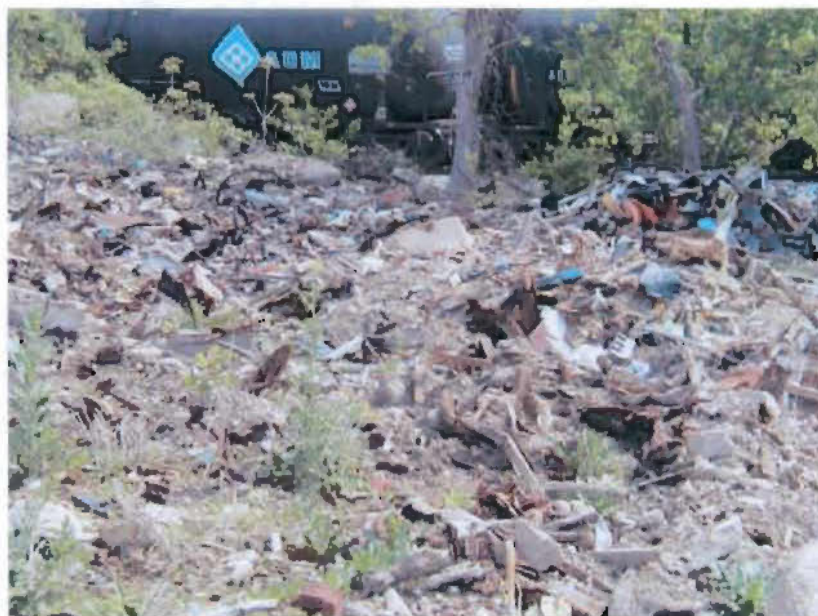


Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

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

DATE: May 6, 2008
TIME: 11:00A.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116-05062008-003.jpg
COMMENTS:



Electronic Filing - Received, Clerk's Office : 01/07/2014
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Macon LPC#: 1150150116 Region: 4 - Champaign
 Location/Site Name: Decatur/U.S. Scrap and Steel
 Date: 06/22/2009 Time: From 1:30P To 2:00P Previous Inspection Date: 05/06/2008
 Inspector(s): Dustin Burger Weather: Clear, dry, 90s
 No. of Photos Taken: # 2 Est. Amt. of Waste: 500 yds³ Samples Taken: Yes # No
 Interviewed: Joel Mokse, President Complaint #:
 Latitude: N39.86788 Longitude: W-88.93511 Collection Point Description: Center of Site - from BOL Inventory
 Example: Lat.: 41.26493 Long.: -89.38294 Collection Method: Address Match -

Responsible Party
 Mailing Address(es)
 and Phone Number(s):
 U.S. Scrap and Steel
 1551 E. McBride Street
 Decatur, Illinois 62526
 217/233-0090

RECEIVED
 JUL 22 2009
 IEPA/BOL

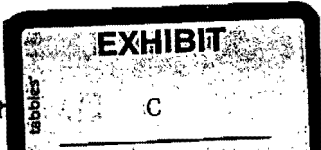
	SECTION	DESCRIPTION	VIOL
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ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS

1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" 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	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

RELEASABLE

JUL 29 2009



LPC # 1150150116--U.S. Scrap and Steel

Inspection Date: 06/22/2009

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(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"/>
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	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
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	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<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
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC#1150150116--Macon County
Decatur/U.S. Scrap and Metal
FOS File
Inspector: Dustin Burger
June 22, 2009 Inspection
GIS Info: N39.86788; W88.93511 (from BOL Inventory)

RECEIVED

JUL 22 2009

IEPA/BOL

Narrative Inspection Report

I conducted an open dump re-inspection at the above referenced facility on June 22, 2009, at approximately 1:30 P.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 clear and dry, with temperatures in the 90s. Two photos were taken during the visit. I spoke with Joel Moske, President, during my visit.

Background

Champaign Region previously received a complaint (C04-009-CH) 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 facility was reinspected in January 13, 2004 and was issued an Administrative Citation for \$1500 on March 11, 2004 for continued open dumping violations. An inspection on August 3, 2005 found continued open dumping violations. A Violation Notice dated 9/13/05 was sent to the owner, Ralph Fisch, who stated in his September 21, 2005 response that the site had been sold. The response was rejected on October 6, 2005 because the sale of the property did not relieve the former owner of responsibility for the clean-up of the property.

The property and company name were sold to METRO Salvage, who agreed to remove all non-recyclable wastes on-site as part of the sales contract on August 25, 2005. The contract was sent as part of the CCA letter. An inspection on 4/26/06 led to an ACWN on 6/1/2006. The property is owned by Metro Salvage, but operates as U.S. Scrap from the site.

A February 21, 2007 inspection found the site still had several piles of general refuse, general C&D debris, a pile of presumed flyash, a large pile of broken concrete, and soil mixed with pieces of metal, plastic, tires, glass, wood, and other material scattered across the site. A Violation Notice was sent on March 28, 2007. A CCA was submitted on May

RELEASABLE

JUL 29 2009

LPC#1150150116—Macon County

Decatur/LLS Scrap

May 6, 2008 Inspection

Wrong date!

30, 2007 with a final deadline for compliance set as February 1, 2008. The CCA was accepted, with modification regarding the timing of the removal of waste tires, on June 20, 2007. An inspection on May 6, 2008 found the site still out of compliance.

Current Inspection

I inspected the site again on June 22, 2009. I met Joel Moske, who accompanied me on the visit. The majority of the scrapyards was now clean, with only piles of scrap metal present. However, the large pile of soil with metal and other wastes was still present. The pile is pictured in photos 1 & 2, and has a mixture of small pieces of plastic, glass, fiberglass, and other materials mixed in with soil and small pieces of metal.

During my last visit, I had spoken to Mr. Moske about the pile. He said he planned to rent a trammel screen to separate the metals and wastes from the soil. Moske said that, frankly, he did not have the money to complete the project within the timeframes of the previous CCA and still did not have the cash flow for the project. When I asked for a timeframe to complete the project, he said he would need at least until the end of the summer.

In summary, waste from the central and western areas of the property had been satisfactorily removed, but the eastern side of the property hold waste that needs to be screened to separate metal from soil and other debris.

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.**

LPC#1150150116—Macon County
Decatur/U.S. Scrap
May 6, 2008 Inspection

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**

LPC#1150150116—Macon County
Decatur/U.S. Scrap
May 6, 2008 Inspection

with (1) litter (7) deposition of construction and demolition debris was observed during this inspection.

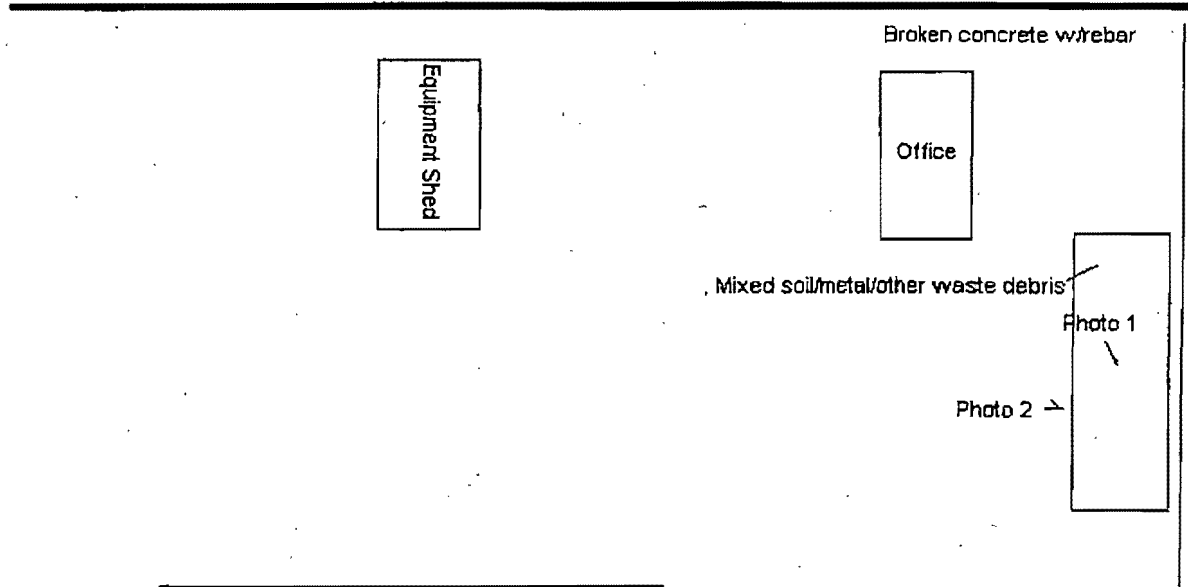
35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Waste Disposal, Chapter I: Pollution Control Board) [Regulations]

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.**

↑
NORTH

McBride Street



LPC#1150150116--Macon County
Decatur/U.S. Scrap and Metal
June 22, 2009
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 & Metal
FOS File

DATE: June 22, 2009
TIME: 1:30-2:00 P.M.
DIRECTION: South
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~06222009-001.jpg
COMMENTS: Pile of mixed
soil/metal/waste



DATE: June 22, 2009
TIME: 1:30-2:00 P.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150150116~06222009-001.jpg
COMMENTS:

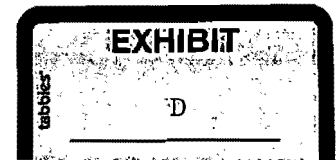


Electronic Filing - Received, Clerk's Office : 01/07/2014
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Macon LPC#: 1150150116 Region: 4 - Champaign
 Location/Site Name: Decatur/U.S. Scrap and Steel
 Date: 11/12/2010 Time: From 11:00AM To 11:20AM Previous Inspection Date: 06/22/2009
 Inspector(s): Dustin Burger Weather: Clear, dry, 60s
 No. of Photos Taken: # 5 Est. Amt. of Waste: 2000* yds³ Samples Taken: Yes # No
 Interviewed: No one present Complaint #:
 Latitude: N39.86788 Longitude: W-88.93511 Collection Point Description: Center of Site - from BOL Inventory
 (Example: Lat.: 41.26493 Long.:89.38294) Collection Method: Address Match -

Responsible Party Mailing Address(es) and Phone Number(s): U.S. Scrap and Steel 1551 E. McBride Street Decatur, Illinois 62526 217/233-0090	
---	--

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" 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	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>



LPC # 1150150116--U.S. Scrap and Steel

Inspection Date: 11/12/2010

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(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"/>
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	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
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	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<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
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC#1150150116--Macon County

Decatur/U.S. Scrap and Metal

FOS File

Inspector: Dustin Burger

November 12, 2010 Inspection

GIS Info: N39.86788; W88.93511 (from BOL Inventory)

Narrative Inspection Report

I conducted an open dump re-inspection at the above referenced facility on November 12, 2010, at approximately 11:30 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 clear and dry, with temperatures in the 50s. Five photos were taken during the visit. No one was present during my visit.

Background

Champaign Region previously received a complaint (C04-009-CH) 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 facility was reinspected in January 13, 2004 and was issued an Administrative Citation for \$1500 on March 11, 2004 for continued open dumping violations. An inspection on August 3, 2005 found continued open dumping violations. A Violation Notice dated 9/13/05 was sent to the owner, Ralph Fisch, who stated in his September 21, 2005 response that the site had been sold. The response was rejected on October 6, 2005 because the sale of the property did not relieve the former owner of responsibility for the clean-up of the property.

The property and company name were sold to METRO Salvage, who agreed to remove all non-recyclable wastes on-site as part of the sales contract on August 25, 2005. The contract was sent as part of the CCA letter. An inspection on 4/26/06 led to an ACWN on 6/1/2006. The property is owned by Metro Salvage, but operates as U.S. Scrap from the site.

A February 21, 2007 inspection found the site still had several piles of general refuse, general C&D debris, a pile of presumed flyash, a large pile of broken concrete, and soil mixed with pieces of metal, plastic, tires, glass, wood, and other material scattered across the site. A Violation Notice was sent on March 28, 2007. A CCA was submitted on May

LPC#1150150116—Macon County
Decatur/U.S. Scrap
November 12, 2010

30, 2007 with a final deadline for compliance set as February 1, 2008. The CCA was accepted, with modification regarding the timing of the removal of waste tires, on June 20, 2007. An inspection on May 6, 2008 found the site still out of compliance.

I inspected the site again on June 22, 2009. I met Joel Moske, who accompanied me on the visit. The majority of the scrapyards was now clean, with only piles of scrap metal present. However, the large pile of soil with metal and other wastes was still present. The pile is pictured in photos 1 & 2, and has a mixture of small pieces of plastic, glass, fiberglass, and other materials mixed in with soil and small pieces of metal.

During my last visit, I had spoken to Mr. Moske about the pile. He said he planned to rent a trammel screen to separate the metals and wastes from the soil. Moske said that, frankly, he did not have the money to complete the project within the timeframes of the previous CCA and still did not have the cash flow for the project. When I asked for a timeframe to complete the project, he said he would need at least until the end of the summer.

Current Inspection

When I arrived at the site on November 12, 2010, I found the building locked and the fence missing from the northeast side of the site. The property is now mostly empty of metals and wastes except for two piles of soil mixed with metal, rubber, plastic, and other small bits from automobiles that were dumped onto the ground and then scraped into piles. I paced off the dimensions of the piles and calculated the volumes as 1100 cubic yards for the western pile (photo 1) and 900 cubic yards for the southern pile (photo 3-4). Only one small pile of metal was left. Two trailers were present with scrap tires inside.

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

LPC#1150150116—Macon County
Decatur/U.S. Scrap
November 12, 2010

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

LPC#1150150116—Macon County
Decatur/U.S. Scrap
November 12, 2010

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 was observed during this inspection.**

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.**



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1150150116—Macon County
Decatur/U.S. Scrap and Steel
FOSFile

DATE November 12, 2010
TIME 11:0-11:20 A.M.
DIRECTION: East
PHOTO by: Dustin Burger
PHOTO FILENAME
1150150116~ 1112010-001.jpg
COMMENTS East File



DATE November 12, 2010
TIME 11:0-11:20 A.M.
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILENAME
1150150116~ 1112010-002.jpg
COMMENTS





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1150150116—Macon County
Decatur/U.S. Scrap and Steel
FOSFile

DATE November 12, 2010
TIME 11:0-11:20 A.M.
DIRECTION: Southwest
PHOTO by: Dustin Burger
PHOTO FILENAME
1150150116~ 1112010-003.jpg
COMMENTS South File



DATE November 12, 2010
TIME 11:0-11:20 A.M.
DIRECTION: Southwest
PHOTO by: Dustin Burger
PHOTO FILENAME
1150150116~ 1112010-004.jpg
COMMENTS South pile closeup of
soil/waste mixture





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC #1150150116—Macon County
Decatur/U.S. Scrap and Steel
FOS File

DATE November 12, 2010
TIME 11:0-11:20 A.M.
DIRECTION: West
PHOTO by: Dustin Burger
PHOTO FILENAME
1150150116~ 1112010-005.jpg
COMMENTS: Scrapyard overview



LPC # 1150150116--U.S. Scrap and Steel

Inspection Date: 02/22/2012

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(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"/>
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	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
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	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- 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.
- 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).
- 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
February 22, 2012 Inspection
GIS Info: N39.86788; W88.93511 (from BOL Inventory)

Narrative Inspection Report

I conducted an open dump re-inspection at the above referenced facility on February 22, 2012 at approximately 10:20 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 clear and dry, with temperatures in the 50s. Four photos were taken during the visit. No one was present during my visit.

Background

Champaign Region previously received a complaint (C04-009-CH) 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 facility was reinspected in January 13, 2004 and was issued an Administrative Citation for \$1500 on March 11, 2004 for continued open dumping violations. An inspection on August 3, 2005 found continued open dumping violations. A Violation Notice dated 9/13/05 was sent to the owner, Ralph Fisch, who stated in his September 21, 2005 response that the site had been sold. The response was rejected on October 6, 2005 because the sale of the property did not relieve the former owner of responsibility for the clean-up of the property.

The property and company name were sold to METRO Salvage, who agreed to remove all non-recyclable wastes on-site as part of the sales contract on August 25, 2005. The contract was sent as part of the CCA letter. An inspection on 4/26/06 led to an ACWN on 6/1/2006. The property is owned by Metro Salvage, but operates as U.S. Scrap from the site.

A February 21, 2007 inspection found the site still had several piles of general refuse, general C&D debris, a pile of presumed flyash, a large pile of broken concrete, and soil mixed with pieces of metal, plastic, tires, glass, wood, and other material scattered across the site. A Violation Notice was sent on March 28, 2007. A CCA was submitted on May

LPC#1150150116—Macon County
Decatur/U.S. Scrap
February 22, 2012

30, 2007 with a final deadline for compliance set as February 1, 2008. The CCA was accepted, with modification regarding the timing of the removal of waste tires, on June 20, 2007. An inspection on May 6, 2008 found the site still out of compliance.

I inspected the site again on June 22, 2009. I met Joel Moske, who accompanied me on the visit. The majority of the scrapyards was now clean, with only piles of scrap metal present. However, the large pile of soil with metal and other wastes was still present. The pile is pictured in photos 1 & 2, and has a mixture of small pieces of plastic, glass, fiberglass, and other materials mixed in with soil and small pieces of metal.

During my last visit, I had spoken to Mr. Moske about the pile. He said he planned to rent a trammel screen to separate the metals and wastes from the soil. Moske said that, frankly, he did not have the money to complete the project within the timeframes of the previous CCA and still did not have the cash flow for the project. When I asked for a timeframe to complete the project, he said he would need at least until the end of the summer.

Current Inspection

When I arrived at the site on February 22, 2012, I found the building locked and the fence missing from the northeast side of the site. The property is now mostly empty of metals and wastes except for two piles of soil mixed with metal, rubber, plastic, and other small bits from automobiles that were dumped onto the ground and then scraped into piles. The piles looked like they had less large, non-soil debris on the surface. There were, however, still bits of metal, rubber, and wood mixed in the piles (photos 1-3). Only one small pile of metal was left. The two trailers full of tires have been removed. I noted a roll-off box full of demolition debris in the form of old lumber (photo 4). I don't know if this was picked from the piles of soil or generated elsewhere.

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,

LPC#1150150116—Macon County
Decatur/U.S. Scrap
February 22, 2012

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

LPC#1150150116—Macon County

Decatur/U.S. Scrap

February 22, 2012

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 was observed during this inspection.**

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.**



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

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

DATE: February 22, 2012
TIME: 10:20-10:40 A.M.
DIRECTION: Southwest
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150155022~02222012-001.jpg
COMMENTS: East pile of mixed
soil/debris



DATE: February 22, 2012
TIME: 10:20=10:40 A.M.
DIRECTION: Southwest
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150155022~02222012-002.jpg
COMMENTS: Closer photo





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

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

DATE: February 22, 2012
TIME: 10:20-10:40 A.M.
DIRECTION: Southwest
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150155022~02222012-003.jpg
COMMENTS: South side pile of
soil/debris



DATE: February 22, 2012
TIME: 10:20=10:40 A.M.
DIRECTION: Southwest
PHOTO by: Dustin Burger
PHOTO FILE NAME:
1150155022~02222012-004.jpg
COMMENTS: Roll-off box with old
lumber

