



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

(217) 782-9817
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STATE OF ILLINOIS
Pollution Control Board

AC14-36

February 13, 2014

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

Re: Illinois Environmental Protection Agency v Leland W. Brock & Jessie M. Brock d/b/a Brock's Enterprise
IEPA File No. 48-14-AC; 1450055031—Perry County

Dear Mr. Therriault:

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

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

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

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.)
LELAND W. BROCK & JESSIE M. BROCK)
d/b/a BROCK'S ENTERPRISE,)
Respondent.)

AC 14-36
(IEPA No. 48-14-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 (2012).

FACTS

1. That Leland W. Brock & Jessie M. Brock d/b/a Brock's Enterprise is the current owner ("Respondent") of a facility located at 2095 State Route 150, Cutler, Perry County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Brock's Enterprise.
2. That said facility is designated with Site Code No. 1450055031.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on January 13, 2014, Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.
5. That on 2-13-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 7565.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of the January 13, 2014 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 failed to collect a fee required under Section 55.8, a violation of Section 55(k)(2) of the Act, 415 ILCS 55(k)(2) (2012).

- (2) That Respondent failed to file a return required under Section 55.10, a violation of Section 55(k)(3) of the Act, 415 ILCS 55(k)(3) (2012).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2012), 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 Three Thousand Dollars (\$3,000.00). 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 28, 2014, 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 (2012), 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) (2012), 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 (2012). 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.

Lisa Bonnett ^{KW}

Date:

2-11-14

Lisa Bonnett, Director
Illinois Environmental Protection Agency

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

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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 LELAND W. BROCK & JESSIE M. BROCK)
 d/b/a BROCK'S ENTERPRISE,)
)
)
 Respondent.)

AC 14-36
 (IEPA No. 48-14-AC)

FACILITY: Brock's Enterprise
 SITE CODE NO.: 1450055031
 COUNTY: Perry
 CIVIL PENALTY: \$3,000.00
 DATE OF INSPECTION: January 13, 2014

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.

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STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

AFFIDAVIT

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

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

2. On January 13, 2014, between 2:00 P.M. and 2:30 P.M., Affiant conducted an inspection of Brock's Enterprise in Perry County, Illinois, known as Brock's Enterprise by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1450055031 by the Agency.

3. Affiant inspected said Brock's Enterprise site by an on-site inspection, which included walking and photographing the site.

4. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Brock's Enterprise.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before
me this 5th day of February, 2014

Marcia A. English
Notary Public

OFFICIAL SEAL
MARCIA A ENGLISH
Notary Public, State of Illinois
My Commission Expires: 03/20/2016

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Tire Storage Site Inspection Checklist

County: Perry LPC#: 1450055031 Region: 7- Marion
 Facility Name: Brock's Enterprise
 Facility Location: 2095 State Route 150, Cutler, Illinois 62238 Telephone: 618-497-2909
 Date: January 13, 2014 Time: From 2:00 P.M. To 2:30 P.M. Previous Inspection Date: December 12, 2012
 Inspector: Garrison Gross No. of Photos Taken: # 10
 Weather: clear skies, 52° F, moderate breeze No. of Samples Taken: N/A
 Interviewed: Leland Brock Complaint #: N/A - routine
 Waste Tire Hauler Used: Brian Crase Hauler Registration Number: T-7007
 Responsible Party Mailing Address(es): Leland W. & Jessie M. Brock
d/b/a Brock's Enterprise
P.O. Box 73
Cutler, Illinois 62238

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STATE OF ILLINOIS
Pollution Control Board

~270

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

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

10	55(i)	CAUSE OR ALLOW THE USE OF PESTICIDES TO TREAT TIRES EXCEPT AS PRESCRIBED BY BOARD REGULATIONS Note: Also Mark a Violation of 848.205	<input type="checkbox"/>
11	55.6(b)	FAILURE OF THE OWNER OR OPERATOR OF A TIRE STORAGE SITE TO PAY TO THE AGENCY AN ANNUAL FEE OF \$100.00 BY JANUARY 1 OF EACH YEAR.	<input checked="" type="checkbox"/>
12	55.8(a)	ANY PERSON SELLING TIRES AT RETAIL OR OFFERING TIRES FOR RETAIL SALE IN THIS STATE SHALL:	
	(1)	Collect from Retail Customers a Fee of \$2.50 Per Tire Sold to be Paid to the Department of Revenue.	<input checked="" type="checkbox"/>
	(2)	Accept for Recycling Used Tires from Customers, at the Point of Transfer, in Quantity Equal to the Number of New Tires Purchased.	<input type="checkbox"/>
	(3)	Post in a Conspicuous Place a Written Notice at Least 8.5 by 11 Inches in Size that Includes the Universal Recycling Symbol and the Following Statements: "DO NOT put used tires in the trash.", and "State law requires us to accept used tires for recycling, in exchange for new tires purchased."	<input type="checkbox"/>
13	55.8(b)	A PERSON WHO ACCEPTS USED TIRES FOR RECYCLING UNDER 55.8(a) SHALL NOT ALLOW THE TIRES TO ACCUMULATE FOR PERIODS OF MORE THAN 90 DAYS	<input type="checkbox"/>
14	55.9	RETAILERS SHALL COLLECT THE FEE FROM PURCHASER BY ADDING THE FEE TO THE SELLING PRICE OF THE TIRE. THE FEE IMPOSED SHALL BE STATED AS A DISTINCT ITEM SEPARATE AND APART FROM THE SELLING PRICE	<input checked="" type="checkbox"/>
PART 848, SUBPART B: MANAGEMENT STANDARDS			
15	848.202(b)	AT SITES AT WHICH MORE THAN 50 USED OR WASTE TIRES ARE LOCATED THE OWNER OR OPERATOR SHALL:	
	(1)	NOT Place on or Accumulate Any Used or Waste Tire in Any Pile Outside of Any Building Unless the Pile is Separated from All Other Piles by 25 Feet and Aisle Space Is Maintained To Allow the Unobstructed Movement of Personnel and Equipment	<input checked="" type="checkbox"/>
	(2)	NOT Accumulate Any Used or Waste Tire in Any Area Located Outside of Any Building Unless the Accumulation is Separated from All Buildings, Whether on or off the Site, by 25 Feet	<input checked="" type="checkbox"/>
	(3)	NOT Place On or Accumulate Any Used or Waste Tire in Any Pile Which is Less than 250 Feet from any Potential Ignition Source, including Cutting and Welding Devices, and Open Fires unless all such activities are Carried Out Within A Building	<input type="checkbox"/>
	(4)	Drain Any Used or Waste Tire on the Day of Generation or Receipt	<input type="checkbox"/>
	(5)	NOT Store Any Used or Waste Tire for More Than 14 Days after Receipt Without Altering, Reprocessing, Converting, Covering or Otherwise Preventing the Tire from Accumulating Water	<input type="checkbox"/>
	(7)	NOT Accept Any Used or Waste Tire from a Vehicle in Which More than 20 Tires Are Loaded Unless the Vehicle Displays a Placard Issued by the Agency Under Part 848: Subpart F	<input type="checkbox"/>
	(8)	NOT Accumulate Any Tires in an Area with a Grade Exceeding 2% Without Meeting the Requirements of 848.202(d)(3)	<input type="checkbox"/>
16	848.202(c)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN 848.202 (b), THE OWNER OR OPERATOR OF A SITE AT WHICH MORE THAN 500 USED OR WASTE TIRES ARE LOCATED SHALL:	
	(1)	Maintain a Contingency Plan Which Meets the Requirements of Section 848.203	<input type="checkbox"/>
	(2)	Meet the Record Keeping and Reporting Requirements of Part 848: Subpart C Note: Also Mark a Violation of Subpart C	<input type="checkbox"/>
	(3)	NOT Place or Accumulate any Used or Waste Tire in Any Pile Less Than 50 Feet From Grass, Weeds, Brush, Over-hanging Tree Limbs and Similar Vegetative Growth	<input type="checkbox"/>
	(4)	NOT Place or Accumulate any Used or Waste Tire in Any Tire Storage Unit That is More Than 20 Feet High by 250 Feet Wide by 250 Feet Long(Aisle Space Between Any Piles Within the Unit Shall Be Included in Determining the Width or Length of the Unit)	<input type="checkbox"/>
	(5)	NOT Place or Accumulate any Used or Waste Tires in any Tire Storage Unit Unless they meet: (A) <input type="checkbox"/> Tires are separated by a Berm 1.5 times the height of the tire pile	<input type="checkbox"/>

		(B) <input type="checkbox"/> Separation Requirements of this part.	
17	848.202(d)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN 848.202 (b) AND (c), THE OWNER OR OPERATOR AT SITES AT WHICH MORE THAN 10,000 USED OR WASTE TIRES ARE LOCATED SHALL:	
	(1)	Completely Surround the Site by Fencing in Good Repair Which Is Not less than 6 Feet in Height	<input type="checkbox"/>
	(2)	Maintain an Entrance to the Area Where Used or Waste Tires are Located, Which is Controlled At all Times by an Attendant, Locked Entrance, Television Monitors, Controlled Roadway Access or Other Equivalent Mechanism	<input type="checkbox"/>
	(3)	Completely Surround the Area Where Used or Waste Tires Are Stored by an Earthen Berm or Other Structures Not Less Than 2 Feet in Height Capable of Containing Runoff Resulting from Tire Fires, and Accessible by Fire Fighting Equipment, Except that the Owner or Operator Shall Provide a Means for Access through or Over the Berm or Other Structure	<input type="checkbox"/>
18	848.203	CONTINGENCY PLAN REQUIREMENTS FOR STORAGE SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of Section 848.203 Note: Also Mark a Violation of 848.203(b), (c), (d), (e), (f), (g), or (h)	<input type="checkbox"/>
	(b)	The contingency plan must be designed to minimize the hazard to human health and the environment from fires and run-off of contaminants resulting from fires and from disease spreading mosquitos and other nuisance organisms which may breed in water accumulations in used or waste tires.	<input type="checkbox"/>
	(c)	Immediately implement the contingency plan whenever there is a fire or run-off resulting from a tire fire, or whenever there is evidence of mosquito production.	<input type="checkbox"/>
	(d)	The contingency plan must describe the actions that must be taken in response to fires, run-off resulting from tire fires and mosquito breeding in used or waste tires.	<input type="checkbox"/>
	(e)	The contingency plan must include evacuation procedures for site personnel, including signals, evacuation routes and alternate evacuation routes as well as provisions for pesticide application.	<input type="checkbox"/>
	(f)	The contingency plan must be maintained at the site and submitted to state and local authorities.	<input type="checkbox"/>
	(g)	The contingency plan must be reviewed and amended within 30 days if the plan fails or the emergency coordinator changes.	<input type="checkbox"/>
	(h)	At all times, there must be one employee on site or on call with responsibility for coordinating emergency response procedures. The emergency coordinator must be familiar with the plan and all aspects of the site, and have the authority to commit the resources to carry out the plan.	<input type="checkbox"/>
STORAGE OF USED AND WASTE TIRES WITHIN BUILDINGS			
19	848.204(a)	FAILURE TO MEET THE REQUIREMENTS OF SECTION 848.204 Note: Also Mark a Violation of 848.204(b), (c), or (d)	<input type="checkbox"/>
20	848.204(b)	<u>STORAGE OF LESS THAN 500 TIRES WITHIN A BUILDING ALLOWED IF:</u> (1) <input type="checkbox"/> Tires Drained of All Water Prior to Placement in the Building (2) <input type="checkbox"/> All of the Buildings Windows and Doors Maintained in Working Order and Secured to Prevent Unauthorized Access. (3) <input type="checkbox"/> The Building Is Maintained So That it Is Fully Enclosed and Has a Roof and Sides Which Are Impermeable to Precipitation (4) <input type="checkbox"/> The Storage of Used or Waste Tires Is not in a Single Family Home or a Residential Dwelling	<input type="checkbox"/>
21	848.204(c)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN SECTION 848.204(b), THE OWNER OPERATOR OF A SITE WITH 500 OR MORE USED OR WASTE TIRES STORED WITHIN BUILDINGS SHALL:	

	(1)	Develop a tire storage plan in consultation with fire officials meeting the requirements of: 848.204 (c)(1) (A) <input type="checkbox"/> considering the type of building to be used for the tire storage (B) <input type="checkbox"/> the plan shall include tire storage arrangement; aisle space; clearance distances between tire piles and sprinkler deflectors; and access to fire fighting personnel and equipment (C) <input type="checkbox"/> a copy of the plan shall be filed with the Agency within 60 days and implemented within 14 days of filing with the Agency.	<input type="checkbox"/>
	(2)	Have and maintain a contingency plan which meets the requirements of Section 848.203	<input type="checkbox"/>
	(3)	Meet the record keeping and reporting requirements of Subpart C Note: Also Mark a Violation of Section 848, Subpart C	<input type="checkbox"/>
22	848.204(d)	A BUILDING THAT STORES MORE THAN 10,000 USED OR WASTE TIRES, AND WAS CONSTRUCTED AFTER 5/10/91, FOR THE PRIMARY PURPOSE OF STORING USED OR WASTE TIRES, SHALL COMPLY WITH THE NFPA 231D BUILDING STANDARD.	<input type="checkbox"/>
PESTICIDE TREATMENT			
23	848.205	OWNERS OR OPERATORS OF TIRE STORAGE SITES TREATING USED OR WASTE TIRES WITH PESTICIDES PURSUANT TO THIS PART OF TITLE XIV OF THE ACT (SHALL):	
	(a)	Use a Pesticide Labeled for Control of Mosquito Larvae Unless an Adult Mosquito Problem is Identified	<input type="checkbox"/>
	(b)	Maintain a record of pesticide use at the site which shall include for each application: (1) <input type="checkbox"/> Date of Pesticide Application (2) <input type="checkbox"/> Number of Used or Waste Tires Treated (3) <input type="checkbox"/> Amount of Pesticide Applied (4) <input type="checkbox"/> Type of Pesticide Used	<input type="checkbox"/>
	(c)	Notify the Agency of Pesticide Use Within 10 Days of Each Application. Notification shall include the information in 848.205(b).	<input type="checkbox"/>
24	848.205(d)	Persons Applying Pesticides to Used and Waste Tires Must Comply with the Requirements of the Illinois Pesticide Act (Ill. Rev. Stat. 1989, ch. 5, par. 801 et seq.)	<input type="checkbox"/>
PART 848: SUBPART C: RECORD KEEPING AND REPORTING Note: Applies to Storage Sites with More than 500 Used or Waste Tires			
25	848.302(a)	The owner/operator shall keep on site a: (1) <input type="checkbox"/> Daily Tire Record (2) <input type="checkbox"/> Annual Tire Summary	<input type="checkbox"/>
26	848.303(a)	FAILURE TO MAINTAIN A DAILY TIRE RECORD THAT INCLUDES: <input type="checkbox"/> Day of the Week <input type="checkbox"/> Date <input type="checkbox"/> Agency Site Number <input type="checkbox"/> Site Name and Address	<input type="checkbox"/>
27	848.303(b)	FAILURE TO RECORD IN THE DAILY TIRE RECORD THE FOLLOWING INFORMATION (1) <input type="checkbox"/> Weight or volume of used or waste tires received at the site during the operating day (2) <input type="checkbox"/> Weight or volume of used or waste tires transported from the site and the destination of the tires so transported. (3) <input type="checkbox"/> Total number of used or waste tires remaining in storage at the conclusion of the day. (4) <input type="checkbox"/> Weight or volume of used or waste tires burned or combusted during the day.	<input type="checkbox"/>
28	848.304	FAILURE TO MAINTAIN ON SITE AN ANNUAL TIRE SUMMARY FOR EACH CALENDAR YEAR THAT INCLUDES:	
	(a)	The site number, name and address and the calendar year for which the summary applies.	<input type="checkbox"/>
	(b)(1)	The weight or volume of used or waste tires received at the site during the calendar year.	<input type="checkbox"/>
	(b)(2)	The weight or volume of used or waste tires transported from the site during the calendar year.	<input type="checkbox"/>
	(b)(3)	The total number of used or waste tires determined in PTE remaining in storage at the conclusion of the calendar year	<input type="checkbox"/>

	(b)(4)	The weight or volume of used or waste tires combusted during the calendar year.	<input type="checkbox"/>
29	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input type="checkbox"/>
30	848.305	FAILURE TO RETAIN REQUIRED RECORDS ON SITE FOR 3 YEARS	<input type="checkbox"/>
PART 848: SUBPART D: FINANCIAL ASSURANCE			
NOTE: Applies to Sites which have Stored 5000 or More Used or Waste Tires			
31	848.400(b)(1)	AT TIRE STORAGE SITES AT WHICH TIRES ARE FIRST STORED ON OR AFTER 1/1/92, FAILURE TO COMPLY WITH SUBPART D PRIOR TO STORING ANY USED OR WASTE TIRES Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
32	848.400(b)(2)	AT TIRE STORAGE SITES AT WHICH TIRES ARE STORED PRIOR TO 1/1/92, FAILURE TO COMPLY WITH SUBPART D BY 1/1/92. Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
33	848.401(a)	FAILURE TO MAINTAIN FINANCIAL ASSURANCE EQUAL TO OR GREATER THAN THE CURRENT COST ESTIMATE CALCULATED PURSUANT TO SECTION 848.404 AT ALL TIMES, EXCEPT AS OTHERWISE PROVIDED BY 848.401 (b).	<input type="checkbox"/>
34	848.401(b)	FAILURE TO INCREASE THE TOTAL AMOUNT OF FINANCIAL ASSURANCE SO AS TO EQUAL THE CURRENT COST ESTIMATE WITHIN 90 DAYS AFTER ANY OF THE FOLLOWING: (1) <input type="checkbox"/> an increase in the current cost estimate (2) <input type="checkbox"/> a decrease in the value of a trust fund (3) <input type="checkbox"/> a determination by the Agency that an owner or operator no longer meets the financial test of Section 848.415 (4) <input type="checkbox"/> notification by the owner or operator that the owner or operator intends to substitute alternative financial assurance, as specified in Section 848.406 for self-insurance	<input type="checkbox"/>
35	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL TIRES.	<input type="checkbox"/>
36	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS			
37	848.601(a)	NO PERSON SHALL TRANSPORT MORE THAN 20 USED OR WASTE TIRES IN A VEHICLE UNLESS THE FOLLOWING REQUIREMENTS ARE MET: (1) <input type="checkbox"/> the owner or operator has registered the vehicle with the Agency in accordance with Subpart F, received approval of such registration from the Agency, and such registration is current, valid and in effect (2) <input type="checkbox"/> the owner or operator displays a placard on the vehicle, issued by the Agency following registration, in accordance with the requirements of Subpart F.	<input type="checkbox"/>
38	848.601(b)	NO PERSON SHALL PROVIDE, DELIVER OR TRANSPORT USED OR WASTE TIRES TO A TIRE TRANSPORTER FOR TRANSPORT UNLESS THE TRANSPORTER'S VEHICLE DISPLAYS A PLACARD ISSUED BY THE AGENCY UNDER SUBPART F IDENTIFYING THE TRANSPORTER AS A REGISTERED TIRE HAULER.	<input type="checkbox"/>
39	848.606(a)	UPON APPROVAL OF A REGISTRATION AS A TIRE TRANSPORTER, THE OWNER OR OPERATOR OF ANY VEHICLE REGISTERED TO TRANSPORT USED OR WASTE TIRES SHALL PLACE A PLACARD ON OPPOSITE SIDES OF THE VEHICLES WHICH DISPLAYS A NUMBER ISSUED BY THE AGENCY FOLLOWING THE WORDS "Registered Tire Transporter: (number)."	<input type="checkbox"/>
40	848.606(b)	REGISTERED TIRE TRANSPORTER NUMBERS AND LETTERS SHALL BE REMOVABLE ONLY BY DESTRUCTION. DIRECTLY ADJACENT TO THE WORDS AND NUMBER, THE VEHICLE OWNER AND OPERATOR SHALL DISPLAY A SEAL FURNISHED BY THE AGENCY WHICH SHALL DESIGNATE THE DATE ON WHICH THE REGISTRATION EXPIRES.	<input type="checkbox"/>
THE FOLLOWING VIOLATIONS MAY BE CITED WHEN WASTES, INCLUDING TIRES, HAVE BEEN <u>DISPOSED</u> AT A TIRE STORAGE SITE			
41	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS.	<input type="checkbox"/>
42	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>

43	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
44	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
45	21(a)	CAUSE OR ALLOW OPEN DUMPING <input type="checkbox"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE	<input checked="" type="checkbox"/>
46	21(d)(2)	CONDUCT ANY WASTE- STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION IN VIOLATION OF ANY REGULATIONS OR STANDARDS ADOPTED BY THE BOARD UNDER THIS ACT. Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
47	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE AT A SITE WHICH DOES NOT MEET THE REQUIREMENTS OF THIS ACT AND REGULATIONS. Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
48	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING	
	(1)	Litter (waste / end-of-life vehicles, 55-gallon drums, and automotive debris	<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"/>
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
49	55(k)(1)	No person shall cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.	<input checked="" type="checkbox"/>
50	55(k)(2)	Fail to collect a fee required under Section 55.8 of this Title	<input checked="" type="checkbox"/>
51	55(k)(3)	Fail to file a return required under Section 55.10 of this Title	<input checked="" type="checkbox"/>
52	722.111	Hazardous Waste Determination	<input type="checkbox"/>
53	808.121	Special Waste Determination	<input type="checkbox"/>
54	733.114	Failure to properly label universal waste batteries or containers as "Universal Waste Batteries"	<input checked="" type="checkbox"/>
55	733.114(d)(1)	Failure to properly label universal waste mercury containing equipment or containers	<input type="checkbox"/>
56	733.115	Failure to document the start date for collection of universal waste mercury containing equipment	<input type="checkbox"/>
57	739.122(c)	Failure to properly label used oil containers as "Used Oil"	<input type="checkbox"/>
58	12(b)	Operate any equipment or facility capable of causing or contributing to water pollution	<input checked="" type="checkbox"/>
59	309.102(a)	NPDES Permit Required (Automobile Salvage Yard)	<input checked="" type="checkbox"/>
60	10(a)	Mercury Switch Removal Act; Failure to properly manage mercury switches from end-of-life vehicles	<input type="checkbox"/>
61	10(d)	Mercury Switch Removal Act; Failure to submit mercury switch annual report	<input type="checkbox"/>

Informational Notes:

- [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G, Chapter I, Subchapter m, Part 848.
- Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in the references listed in #1, #2, and #3 above.
- The provisions of subsection (p) of Section 21 and (k) of Section 55 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).



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

LPC#: 1450055031 – Perry County
Site Name: Brock's Enterprise
Date of Inspection: January 13, 2014
Inspector: Garrison Gross
Subject: Tire Storage Inspection at Brock's Enterprise

General Remarks: A Tire Storage Inspection was conducted on Monday, January 13, 2014, at Brock's Enterprise. The inspection was conducted by Garrison Gross representing the Illinois EPA Bureau of Land. The site is located at 2095 State Route 150, Cutler, Illinois 62238. The inspection was a follow-up to a previous inspection conducted on December 12, 2012. Weather conditions at the time of the inspection were clear skies, 52° F, with a moderate breeze. Surface conditions at the site were damp to muddy.

Inspection Findings: The inspection began at approximately 2:00 P.M. I met with the owner Leland Brock and explained the reason for the inspection. I continued the inspection by walking and photographing the site. Mr. Brock accompanied me during the inspection. Mr. Brock informed me that he was closing the salvage yard and had not renewed his salvage license. He said he intended to operate an automotive repair business.

Tire Sales / Tire Disposal: Mr. Brock first told me that he did not sell any tires. After asking him about several tires on rim that were displayed near the office, he stated that he periodically sold used tires; possibly one a month. Mr. Brock stated that he was selling tires but did not have a tire receipt available. He informed me that he had submitted all the receipts to his accountant for income tax purposes. He admitted that he was not submitting ST-8's to the Illinois Department of Revenue. I asked him to have the last three receipts copied and mailed or faxed to me by the end of the week. Used / waste tires are disposed by Brian Crase (T-7007). Waste tires had not been disposed since February 5, 2013.

Tire Storage: Approximately 20 used / waste tires were scattered around the area south of the office and service garage. All of the tires were on the rim and holding air. Approximately 30 used / waste tires were being stored in a van trailer east of the service garage (photo 001). A school bus was being used to store resalable tires (photo 004). Approximately 70 tires were stored in the bus. A small box trailer was being used to store additional resalable tires. Approximately 100 used / waste tires were stored in the box trailer (photo 006). Approximately 40 used / waste tires were being stored in and around four (4) truck beds (photo 007). All of the tires were on the rim. Two tires in this area were not holding air. Two (2) tires in another old truck bed were observed that were off the rim and holding water (photo 009). Organic debris (leaf litter) was present. Approximately twelve (12) used / waste tires were being stored outside around a dump truck bed (photo 010). A few other scattered tires were observed around the site. More than 270 used / waste tires were observed at the site which exceeded the 250 tire limit for the storage exemption.

Automotive Fluids: One ~300-gallon mini-tote of used oil was observed at the site (photo 002). The container was labeled as used oil. The container was a little more than half full. Mr. Brock told me that he burned the automotive fluids in an oil burning furnace.

Twenty-two (22) metal drums were observed in the salvage yard lot (photo 008). The drums were not labeled and were not being stored on pallets. Some of the drums appeared to be bulging. I asked Brock what was stored in the drums. He said they contained water. He said he acquired them to use as burn barrels. He put water in them to keep them from blowing away. Mr. Brock realized that burn barrels were not allowed to be used on the site after the initial inspection and he hadn't gotten around to recycling them.

**1450055031 – Perry County
Brock's Enterprise
January 13, 2014**

Universal Wastes Batteries: Six (6) universal waste batteries were observed outside in the salvage yard lot (photo 007). Mr. Brock told me that the batteries had been removed from scrapped vehicles. He said he hadn't moved them to the service garage because of the recent cold weather and snow. Mr. Brock said he stored them on a shelf in the service garage but admitted that he had not made a sign for the universal waste battery storage area. Waste batteries are taken to PLP Battery Supply in Murphysboro for recycling. No disposal records were available.

Mercury Switches: I inquired about the removal of mercury switches. Mr. Brock told me that River Metals had removed approximately 30 vehicles from the site in late 2013. He told me that River Metals was responsible for removing the mercury switches from the vehicles. He did not provide any documentation of switch removal. Approximately 30 vehicles were observed at the site. Several vehicles were reported to belong to customers and were in for repair work. He said a couple of them were being held until the customer paid their bill.

Closing Conference: I spoke with Mr. Brock about closing the salvage yard and instructed him to remove all end-of-life vehicles from the site. He said he wished to retain the school buses for storage purposes. Customer vehicles that are parked at the site for repair are not required to be removed unless the customer refuses or is unable to pay. Illinois Secretary of State should be contacted for guidance to dispose of vehicles held for non-payment. I explained that automotive parts and other debris should also be removed from around the buildings and the grounds. I informed Mr. Brock that the facility would be receiving a letter in the near future. The inspection ended at approximately 2:30 P.M.

Additional Remarks: Agency records indicate that Brock's Enterprise failed to submit a Used / Waste Tire Activity Notification Form for tire storage activities in 2014. Agency records also indicate that Brock's Enterprise has not filed for an NPDES Stormwater Permit for salvage yard industrial activities. Information obtained from the Perry County Supervisor of Assessment's Office indicated that tax bills are mailed Leland W. & Jessie M. Brock, P.O. Box 73, Cutler, Illinois 62238. The site consists of one parcel: 1-64-0040-030 (containing approximately 3.0 acres). Brock's Enterprise is not registered as a corporation or LLC with the Illinois Secretary of State. Records available from the Illinois Department of Revenue indicates that no ST-8's had been filed.

Records were faxed to the IEPA Marion Regional Office on January 5, 2013. One tire disposal receipt was included which showed fifty-one (51) tires were disposed on February 5, 2013. No tires had been picked up since that time. Three customer receipts were provided. The receipts were dated October 15, 2013, December 2, 2013 and December 22, 2013. The tire user fee was shown as required. I telephoned Mr. Brock and asked for additional receipts prior to October 2013. He did not send any additional receipts. The fourth quarter ST-8's are due on January 21, 2014. As of January 30, 2014, Illinois Department of Revenue records indicate that Mr. Brock is not registered for retail tire sales and has not submitted ST-8's.

1450055031 – Perry County
Brock's Enterprise
January 13, 2014

Summary of Apparent Violations:

Tire Storage

21(k)
55(a)(4)
55(c)
55(e)
55.6(b)
55.8(a)(1)
55.9
848.202(b)(1)
848.202(b)(2)
55(k)(1)
55(k)(2)
55(k)(3)

Waste Disposal

21(a)(
21(d)(2)
21(e)
21(p)(1)

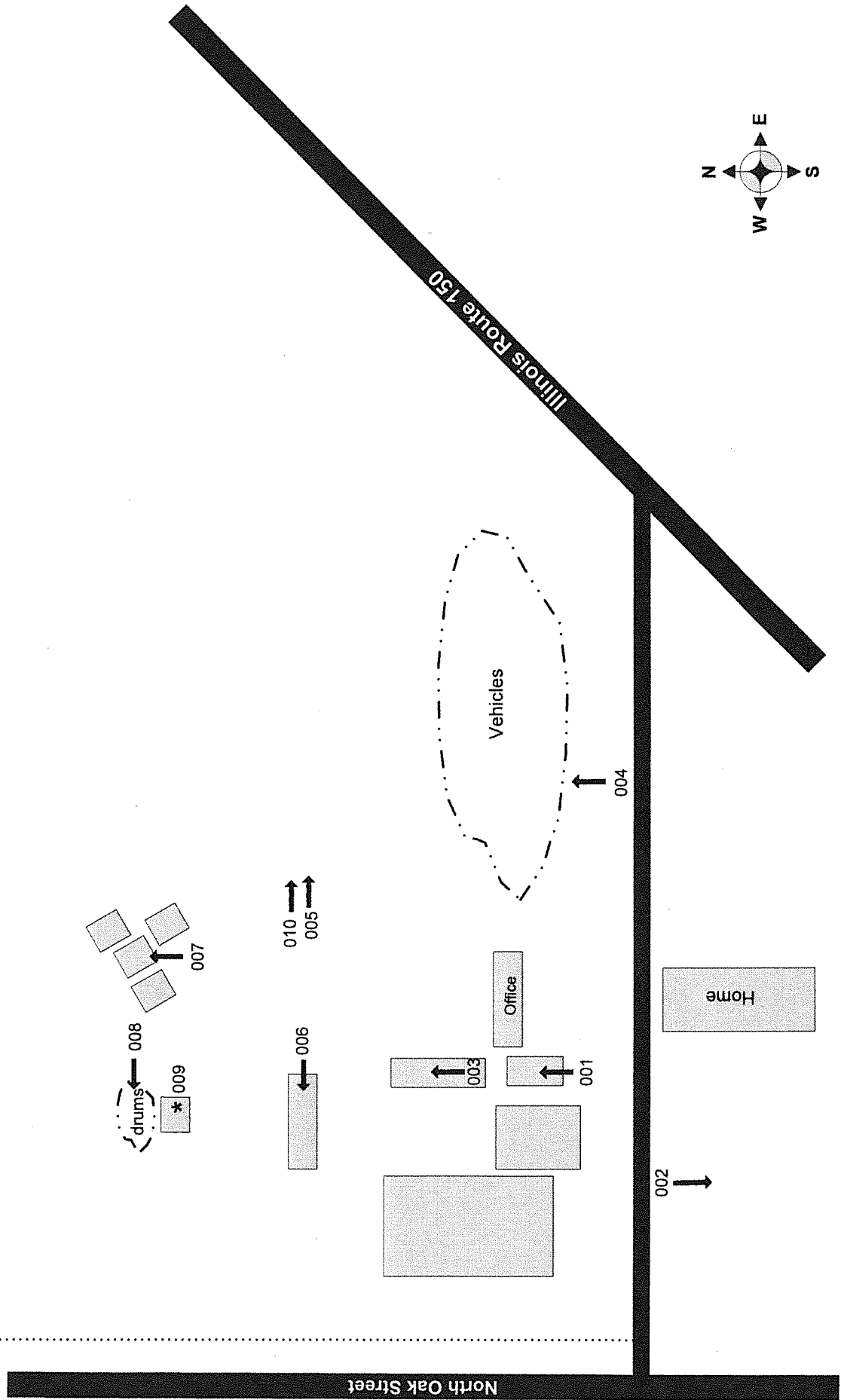
NPDES Permit

12(b)
309.102(a)



**State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch**

Date: January 13, 2014
 BOL ID #: 1450055031 – Perry County
 Site Name: Brock's Enterprise
 Inspector: Garrison Gross
 Not Drawn to Scale: *All Locations Are Approximate*





DIGITAL PHOTOGRAPHS



Date: 01/13/2014
Time: 2:06 P.M.
Direction: north
Photo by: Garrison Gross
Exposure #: 001
Comments: used /waste
tires stored in a van
trailer



Date: 01/13/2014
Time: 2:08 P.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 002
Comments: mini-tote of
used oil

File Names: 1450055031~01132014-[001-010].jpg



DIGITAL PHOTOGRAPHS



Date: 01/13/2014
Time: 2:09 P.M.
Direction: north
Photo by: Garrison Gross
Exposure #: 003
Comments: resalable used
tires stored in bus



Date: 01/13/2014
Time: 2:11 P.M.
Direction: north
Photo by: Garrison Gross
Exposure #: 004
Comments: view of
salvage yard

File Names: 1450055031~01132014-[001-010].jpg



DIGITAL PHOTOGRAPHS



Date: 01/13/2014
Time: 2:12 P.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 005
Comments: vehicle
components stored in
truck bed



Date: 01/13/2014
Time: 2:12 P.M.
Direction: west
Photo by: Garrison Gross
Exposure #: 006
Comments: used / waste
tires in box trailer

File Names: 1450055031~01132014-[001-010].jpg



DIGITAL PHOTOGRAPHS



Date: 01/13/2014
Time: 2:15 P.M.
Direction: north
Photo by: Garrison Gross
Exposure #: 007
Comments: used /waste tires stored outside; all were on rim, two not holding air; six (6) universal waste batteries



Date: 01/13/2014
Time: 2:16 P.M.
Direction: west
Photo by: Garrison Gross
Exposure #: 008
Comments: Twenty-two (22) drums containing unknown liquids

File Names: 1450055031~01132014-[001-010].jpg



DIGITAL PHOTOGRAPHS



Date: 01/13/2014
Time: 2:17 P.M.
Direction: down
Photo by: Garrison Gross
Exposure #: 009
Comments: water in tires;
organic material present



Date: 01/13/2014
Time: 2:18 P.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 010
Comments: used / waste
tires on rim stored with
waste items

File Names: 1450055031~01132014-[001-010].jpg

RECEIVED
CLERK'S OFFICE

FEB 19 2014

STATE OF ILLINOIS
Pollution Control Board

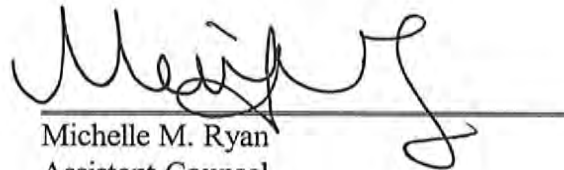
PROOF OF SERVICE

I hereby certify that I did on the 13th day of February 2014, 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 TIRE STORAGE SITE INSPECTION CHECKLIST

To: Leland W. Brock & Jessie M. Brock
d/b/a Brock's Enterprise
P.O. Box 73
Cutler, IL 62238

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

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


Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
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(217) 782-5544