



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

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

April 23, 2014

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

AC 14-49

RECEIVED  
CLERK'S OFFICE

APR 28 2014

STATE OF ILLINOIS  
Pollution Control Board

Re: Illinois Environmental Protection Agency v Walker Tire  
IEPA File No. 111-14-AC; 0390150003


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 Inspection Report, 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  
by JGR

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

WALKER TIRE,

Respondent.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

AC 14-49

(IEPA No. 111-14-AC)

RECEIVED  
CLERK'S OFFICE

APR 28 2014

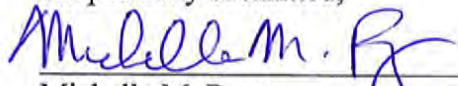
STATE OF ILLINOIS  
Pollution Control Board

**NOTICE OF FILING**

To: Walker Tire  
Attn: Tom Maxwell  
430 W. Clinton Avenue  
Farmer City, IL 61842

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

Respectfully submitted,

  
Michelle M. Ryan  
Assistant Counsel *by JLR*

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

Dated: April 23, 2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Complainant, )  
v. )  
WALKER TIRE, )  
Respondent. )

AC 14-49  
(IEPA No. 111-14-AC)

RECEIVED  
CLERK'S OFFICE  
APR 28 2014  
STATE OF ILLINOIS  
Pollution Control Board

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 (2014).

FACTS

1. That Walker Tire is the current operator ("Respondent") of a facility located at 430 West Clinton Avenue, Farmer City, DeWitt County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Farmer City/Walker Tire.
2. That said facility is designated with Site Code No. 0390150003.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on March 19, 2014, Curt White, of the Illinois Environmental Protection Agency's ("Illinois EPA") Champaign 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 4-23-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 8227.

#### VIOLATIONS

Based upon direct observations made by Curt White during the course of his March 29, 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 caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1)(2014).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of One Thousand Five Hundred Dollars (\$1,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than June 2, 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 (2014), 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) (2014), 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 (2014). 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* <sup>KBP</sup>

Date:

4-23-14

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

REMITTANCE FORM

RECEIVED  
CLERK'S OFFICE

APR 28 2014

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Complainant, )  
v. )  
WALKER TIRE, )  
Respondent. )

AC 14-49  
(IEPA No. 111-14-AC)

FACILITY: Walker Tire  
SITE CODE NO.: 0390150003  
COUNTY: DeWitt  
CIVIL PENALTY: \$1,500.00  
DATE OF INSPECTION: March 29, 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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

RECEIVED  
CLERK'S OFFICE

APR 28 2014

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
Respondent )

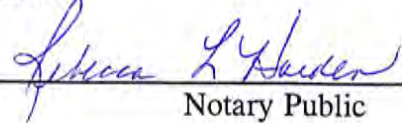
IEPA DOCKET NO.

Affiant, Curt White, being first duly sworn, voluntarily deposes and states 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 March 19, 2014, between 9:00 A.M. and 9:45 A.M., Affiant conducted an inspection of the site in DeWitt County, Illinois, known as the Farmer City / Walker Tire site, Illinois Environmental Protection Agency Site No. 0390150003.
3. Affiant inspected said Walker Tire site by an on-site inspection, which included walking the site.
4. As a result of the activities 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 the Walker Tire site.

  
\_\_\_\_\_

Subscribed and Sworn to before me  
this 15<sup>th</sup> day of April,  
2014.

  
\_\_\_\_\_  
Notary Public







Illinois Environmental Protection Agency

Bureau of Land & Field Operations Section

Follow-up Inspection

Date: April 8, 2014

To: Compliance Unit

Compliance Unit Regional Coordinator

From: Curt White

4 - Champaign

Subject: 0390150003

Region, DLPC/FOS

DeWitt

IEPA ID #

Farmer City / Walker Tire

County

Facility Name

USEPA ID #

FOS File

RECEIVED CLERK'S OFFICE

APR 28 2014

STATE OF ILLINOIS Pollution Control Board

Date of relevant previous inspection: 08/31/2010

**A follow-up inspection on 03/19/2014 has resolved the following violations:**

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

[Check all applicable box(es)]

- All continuing violations from relevant previous inspection resolved.
- Continuing violations remaining.
- New violations cited; new VN attached.

Comments: An AC has been requested for 55(k)(1). No new VN.

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

**LPC #0390150003-DeWitt County**

**Farmer City / Walker Tire**

**FOS**

**Inspector: Curt White**

**Insp. Date: 3/19/14**

**GIS Data: Latitude-N40.23856°, Longitude-W-88.95613° (From BOL Inventory)**

**INSPECTION REPORT NARRATIVE**

On March 19, 2014 at 9:00 a.m., I conducted an inspection at Walker Tire, located at 430 W. Clinton Avenue, Farmer City, Illinois 61842, ph# 309/928-9291. The purpose of the inspection was to determine regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). The inspection consisted of walking around the site, taking pictures, and talking to Tom Maxwell, Owner. The weather was cloudy, the temperature 35° F.

Walker Tire is an automotive repair and a tire retail sales store.

**SITE HISTORY**

This site was originally inspected by Kenneth Keigley. Mr. Keigley has retired. This site was listed on Mr. Keigley's "Non-Compliance Facilities" list. This inspection was conducted to check the compliance of the site. This site has been referred to the AGO for enforcement

**MARCH 19, 2014 INSPECTION FINDINGS**

Prior to the inspection I did a review of the site. A copy of the Contingency Plan for the site was in the file. According to documents furnished by Bureau of Land Headquarters, the \$100.00 Used Tire Storage Site Fee had not been paid since 2005 and an Annual Used Tire Summary had not been received since 1994. The site had filled out a "Used and/or Waste Tire Activity Notification Form" and was listed in the used tire database.

I arrived at the site at 9:00 a.m. and I introduced myself to Tom Maxwell. I informed him I was there to do a follow-up inspection of the site to check and see if any violations cited had been resolved. I asked him about the outstanding LUST violations. Mr. Maxwell stated everything is cleaned up on his side. However, the neighbor will not allow anybody on his property to do any sampling or cleanup. He stated he will get an update from his attorney every couple months. The registered used tire hauler for Walker Tire is J & R Used Tire Service, 329 Deerfield, Rantoul, IL 61866 Hauler #T-7619. Documentation provided on site confirmed that J & R Used Tire Service pickup up 105 used tires on March 18, 2014. The site did not have daily tire records available for review or a tire storage plan.

We walked around the property. I observed a hole in the roof where the passenger used tires for resale were being stored (see photo 1). Mr. Walker stated they fixed the old hole. That was a new hole in the roof. I estimated 200 used tires being stored inside this building (see photo 2). In front of this building I observed 50 used tractor tires being stored outside (see photo 3). I inspected these used tires for water accumulation. I observed water accumulation (see photo 4). We walked east and I observed 50 used semi tires being stored outside (see photo 5). I inspected these used tires for water accumulation. I observed water accumulation (see photo 6). Used tires were being stored within 25 feet of buildings. I informed Mr. Walker that all used tires at the site must be stored to prevent the accumulation of water. I left the site at 9:45 am.

**VIOLATIONS RETURNED TO COMPLIANCE ARE:**

None

**CONTINUING VIOLATIONS ARE:**

12(a), 12(d), 21(a), 21(e), 21(k), 21(p)(1), 22.48, 55(a)(4), 55(d)(1), 55(e), 55.6(b), 722.111, 733.111(a), 808.121(a), 848.202(b)(2), 848.202(b)(5), 848.202(c)(2), 848.204(a), 848.204(b), 848.204(c)(1), 848.302(a), 848.304(c), 848.305, and Consent Order #97-MR-7 Section VIII B(1), Section VIII B(2) and Section VIII B(4). (Note: there are also outstanding LUST violations at this site).

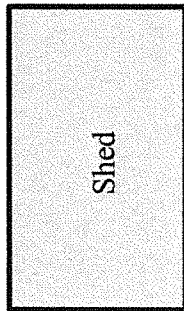
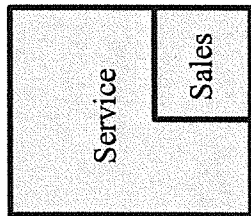
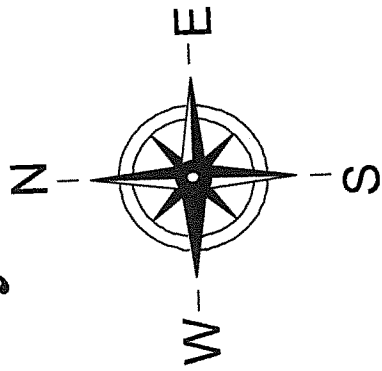
**NEW VIOLATIONS CITED:**

55(k)(1)

# Illinois Environmental Protection Agency

LPC #0390150003--DeWitt County  
Farmer City / Walker Tire  
Insp. Date: 3 / 19 / 14

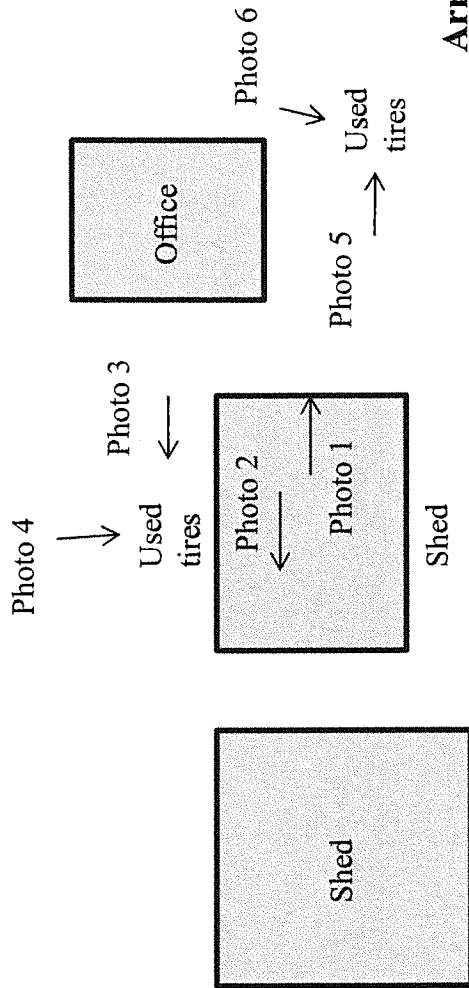
## Site Map



### Site Photos

1. Photo 1 @ 9:06 am
2. Photo 2 @ 9:10 am
3. Photo 3 @ 9:15 am
4. Photo 4 @ 9:17 am
5. Photo 5 @ 9:20 am
6. Photo 6 @ 9:22 am

Clinton Rd



Map not to Scale  
Arrows indicated direction  
and location of Photos





Illinois Environmental Protection Agency  
Bureau of Land

## DIGITAL PHOTOGRAPHS

LPC # 0390150003 — DeWitt County  
Farmer City / Walker Tire  
FOS File

DATE: 3-19-2014  
TIME: 9:06 AM  
DIRECTION: East  
PHOTO by: Curt White  
PHOTO FILE NAME:  
0390150003~03192014-001.jpg  
COMMENTS: Hole in roof  
where used tires are stored.



DATE: 3-19-2014  
TIME: 9:10 AM  
DIRECTION: West  
PHOTO by: Curt White  
PHOTO FILE NAME:  
0390150003~03192014-002.jpg  
COMMENTS: Used tires for  
resale stored inside a  
building.



Illinois Environmental  
Protection Agency



Bureau of Land

## DIGITAL PHOTOGRAPHS

LPC # 0390150003 — DeWitt County  
Farmer City / Walker Tire  
FOS File

DATE: 3-19-2014  
TIME: 9:15 AM  
DIRECTION: West  
PHOTO by: Curt White  
PHOTO FILE NAME:  
0390150003~03192014-003.jpg  
COMMENTS: Used tractor  
tires stored outside.



DATE: 3-19-2014  
TIME: 9:17 AM  
DIRECTION: South  
PHOTO by: Curt White  
PHOTO FILE NAME:  
0390150003~03192014-004.jpg  
COMMENTS: Water  
accumulation in used tractor  
tire.



Illinois Environmental  
Protection Agency  
Bureau of Land



## ***DIGITAL PHOTOGRAPHS***

**LPC # 0390150003 — DeWitt County  
Farmer City / Walker Tire  
FOS File**

**DATE: 3-19-2014  
TIME: 9:20 AM  
DIRECTION: East  
PHOTO by: Curt White  
PHOTO FILE NAME:  
0390150003~03192014-005.jpg  
COMMENTS: Used semi tires  
stored outside.**



**DATE: 3-19-2014  
TIME: 9:22 AM  
DIRECTION: South  
PHOTO by: Curt White  
PHOTO FILE NAME:  
0390150003~03192014-006.jpg  
COMMENTS: Used semi tire  
with water accumulation.**



**PROOF OF SERVICE**

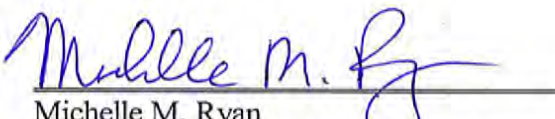
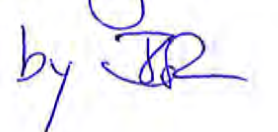
I hereby certify that I did on the 23th day of April 2014, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and INSPECTION REPORT

To: Walker Tire  
Attn: Tom Maxwell  
430 W. Clinton Avenue  
Farmer City, IL 61842

RECEIVED  
CLERK'S OFFICE  
APR 28 2014  
STATE OF ILLINOIS  
Pollution Control Board

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  
by 

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