

January 2, 2004

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JAN - 6 2004

STATE OF ILLINOIS
POLLUTION CONTROL BOARD

AC 04-27

Illinois Pollution Control Board
Attn: Clerk
State of Illinois Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Re: **Petition for Review – Administrative Citation**
Douglas S. Carrico d/b/a Carrico's Auto Heap
Site Code No. 0618115004

Dear Sir or Madam:

I operated my auto salvage business for 18 years and closed it due to market conditions in 2002. After closing, Jan Mier from the IEPA conducted an inspection of the property on June 27, 2002. She had Mr. Branna, a licensed tire recycler, view and estimate the number of tires on site. He estimated that there were approx. 2500 tires. Ms. Mier instructed me to remove all the tires and car bodies from the property. Starting October 15, 2002 and ending November 18, 2002, Max Mullins Salvage removed over 400 cars and many tons of auto parts.

On August 8, 2002, I signed a tire removal agreement with the EPA & Mr. Branna authorizing Mr. Branna to remove 2000 tires which he completed on October 26, 2002. Ms. Mier conducted a re-inspection on December 2, 2002 discovering that there were many more tires than previously estimated. Ms. Mier sent a violation notice on January 14, 2003, stating that she sited the tires still remaining and some litter on the property and requested a written response. I sent a written response dated February 22, 2003, stating my intentions to continue removing tires as I was able and I sent receipts for tires that were disposed of by a licensed tire recycler in the amount of 2110 tires. This was done after Mr. Branna had finished his removal. On March 18, 2003, I received a letter acknowledging receipt of my letter and copies of the receipts I had sent to Ms. Mier. This letter set a compliance deadline of April 15, 2003. On April 7, 2003, I sent a letter to Ms. Mier with receipts for the removal of 800 tires and 5.75 tons of litter. I received the next letter from Ms. Mier on May 2, 2003, in which she acknowledged the receipt of my April 7, 2003 letter and the enclosed receipts for tire and litter disposal. This letter from Ms. Mier instructed me to purchase mosquito larvicide to treat the remaining tires until they were removed, which I immediately did.

On June 2, 2003, Ms. Mier re-inspected the property and recorded an estimate of 1100 tires remaining, approx. a dozen vehicles and vehicle parts. I called Ms. Mier and explained that I was continuing to remove tires and had treated the tire pile three times with the larvicide and would address the latest issues as soon as I was able. On June 12, 2003, I received a letter from Ms. Mier with a new deadline of September 30, 2003. I sent

receipts for 400 tires and the larvicide that I purchased. On July 9, 2003, a letter from Ms. Mier came acknowledging the receipt of my letter and the enclosed receipts. I continued to remove tires and had receipts dated August 13, 2003 for 400 tires and September 13, 2003 for 400 tires. I also had another 50 tons of auto parts hauled off and at least 9 car bodies removed. I disposed of one load of dirt with car trim and broken glass that Ms. Mier had sited in her inspection. This was where Mullins stripped, crushed and loaded the cars during removal.

On October 28, 2003, Ms. Mier conducted another inspection. This inspection was done while I was at work. Since I was not present during this inspection, I called Ms. Mier to talk to her regarding the inspection and to see what I was to do next. She was out, so I left a message on her voice mail with my name and phone number. I did not hear back from her. On December 1, 2003, I received Ms. Mier's October 28, 2003 inspection report and a citation. Ms. Mier's report has a number of inaccurate statements of which I have listed below:

1. She states that my deadline was July 1, 2003, but in her July 9, 2003 letter it was extended to September 30, 2003.
2. She states "there appeared to be little change in the site" since her last inspection,
 - ~ approximately 50 tons of auto parts had been disposed of
 - ~ a load of dirt was removed
 - ~ 9 cars had been disposed of
 - ~ 800 tires had been disposed of

All of this had changed since Ms. Mier's last inspection.

3. She states "a school bus is new to the site" when in fact this school bus has been here for many years before her first inspection. The bus was moved from around back for Max Mullins to remove, but he didn't want it and left it behind when he removed the 400 plus cars.
4. All of the cars, except three (3) belong to someone else and I personally called the owners and instructed them that the cars must be moved by December 15, 2003.
5. All of the tires, except fifteen (15) belong to someone else and I personally called the owners and instructed them that the tires must be moved by December 15, 2003.

Note: The above mentioned cars and tires were used by the owners to participate in the local Demolition Derby's held at our county fairs – they were not the property of Carrico's Auto Heap.

6. There is no portable roll off box on site – there is a sided truck bed.
7. Ms. Mier states that I am allowing "open dumping", when in fact since her first inspection in June of 2002, there has not been one thing delivered, added, or dumped on this property, only removed. I operated a salvage yard on this property for 18 years and what she has reported as open dumping is only the remainder of the clean up process.

8. Ms. Mier's noted several pieces of equipment - dump truck, loader, my deceased Father's tractor.... Am I not allowed to keep my personal property? Is it a violation to have these items on my property?

I have done my best to cooperate and complete each request by the given deadline. The few extensions that I did receive were caused by the inaccurate estimate of tires. The original estimate was 2500 tires, so I made plans for the removal of 2500 tires. I now know the actual number of tires I have disposed of is 6110. Ms. Mier's first and primary focus was always the removal of the tires, so I made that my first priority with the intent to address the other noted violations after the tire removal was completed. The tire removal agreement states that a site containing between 1000 and 10,000 tires can have two (2) years of time to remove them and can be granted an extension on top of that. I am well within the two-year allotment since the agreement was signed on August 08, 2002. I work full time, but I am continuing to dispose of things as I am able and will continue to do so until the clean up is completed.

I am requesting that the fine of \$1,500.00 be dismissed at this time and that a detailed and specific list be given to me noting everything that is required to be cleaned up before any fines be imposed. It is impossible for me to do a complete clean up without a final and complete checklist from the IEPA of everything that is expected from me. I have cooperated fully with the IEPA and do not feel I merit this kind of treatment.

Respectfully,

Douglas S. Carrico

Douglas S. Carrico

Enclosures

Cc: Illinois Environmental Protection Agency
Attn: Division of Legal Counsel
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 61794-9276

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

DOUGLAS S. CARRICO, d/b/a
CARROCOS AUTO HEAP,

Respondent.

AC

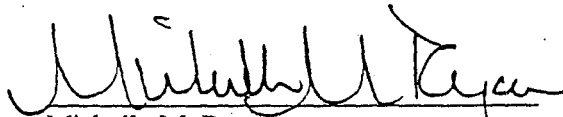
(IEPA No.686-03-AC)

NOTICE OF FILING

To: Douglas S. Carrico
19291 Carrico Road
Kane, Illinois 62054

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

Respectfully submitted,



Michelle M. Ryan
Special Assistant Attorney General

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

Dated: November 25, 2003

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)

Carrico's Auto Heap)

Respondent.)

IEPA DOCKET NO.

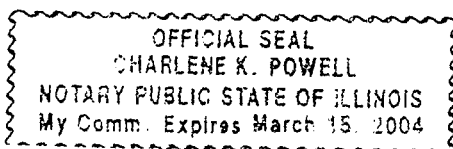
Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On October 28, 2003 between 11:55 a.m. and 12:15 p.m., Affiant conducted an inspection of an open dump, located in Sangamon County, Illinois and known as *Kane/Carrico's Auto Heap* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC#0618115003 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and photographing 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 said *open dump*.

Jan Mier

Subscribed and Sworn to Before Me
this 6th day of Nov., 2003

Charlene K. Powell
Notary Public



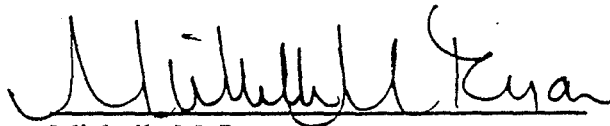
PROOF OF SERVICE

I hereby certify that I did on the 25th day of November, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Douglas S. Carrico
19291 Carrico
Kane, Illinois 62054

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

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



Michelle M. Ryan
Special Assistant Attorney General

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

ADMINISTRATIVE CITATION

(IEPA No. 686-03-AC)

1. That Douglas S. Carrico, d/b/a/ Carricos Auto Heap ("Respondent") is the present owner of a facility located at 19291 Carrico Road, Kane, Greene County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Kane/Carricos Auto Heap.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0618115004.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on October 28, 2003, Jan Mier of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Jan Mier during the course of her October 28, 2003 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

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

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of One Thousand Five Hundred 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 January 15, 2004, unless otherwise provided by order of the Illinois Pollution Control Board.

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

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

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

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

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

Renee Cipriano
Renee Cipriano, Director
Illinois Environmental Protection Agency

Date: 11/25/03

Prepared by: Susan 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

**Illinois Environmental Protection Agency
Inspection Narrative**

LPC#0618115003 – Greene County
Kane/Carrico's Auto Heap
Inspection Date – 10/28/03
Inspector- Jan Mier
FOS File

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On October 28, 2003, I conducted a re-inspection of the above-referenced site. The owner, Douglas Carrico, was sent a Violation Notice L-2002-01430 on 1/14/03. An extension was given to the compliance deadline until 7/1/03. The property is an old salvage yard that closed in 2003. The Illinois EPA removed 1,000 tires under a Consensual Removal Agreement and Mr. Carrico has sent in receipts for removal of over 3,300 tires. Max Mullins Salvage in Mt. Olive, IL has removed the majority of vehicles on site.

I arrived at 11:55 a.m. Mr. Carrico lives across the street from the salvage yard. I knocked on the door of the house, but no one answered. I proceeded across the road to the salvage yard. There appeared to be little change in the site. Vehicles are scattered in the front of the shed (see photo #001). One truck had six tires off the rim on the back (see photo #002). Tires, metal and auto parts are scattered across the east half of the shed (see photo #003). By the auto crusher (see photo #004), the ground is littered with glass, metal, plastic and oil-stained soil. A school bus (see photo #005) is new to the site. Several areas looked like what is shown in photo #006, with glass, metal, plastic, car parts and vehicles scattered around. Although a roll off box is on site, it did not appear there had been any attempt to consolidate or sort waste.

More vehicles, parts and tires on axles are to the north of the shed (see photos #008, #009, and #010). Vegetation has grown up around these wastes. One area contained rusted metal pipes and gas lanterns (see photo #012). Two tractor tires off rim were observed (see photo #012). The inside of the shed is filled with car parts, tools and tires (see photo #013). I estimated approximately 15 vehicles and 75 tires are still on site. I departed at 12:15 p.m.

Violations observed at the time of the inspection are noted on the attached checklist.

LPC/FOS – Springfield Region

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

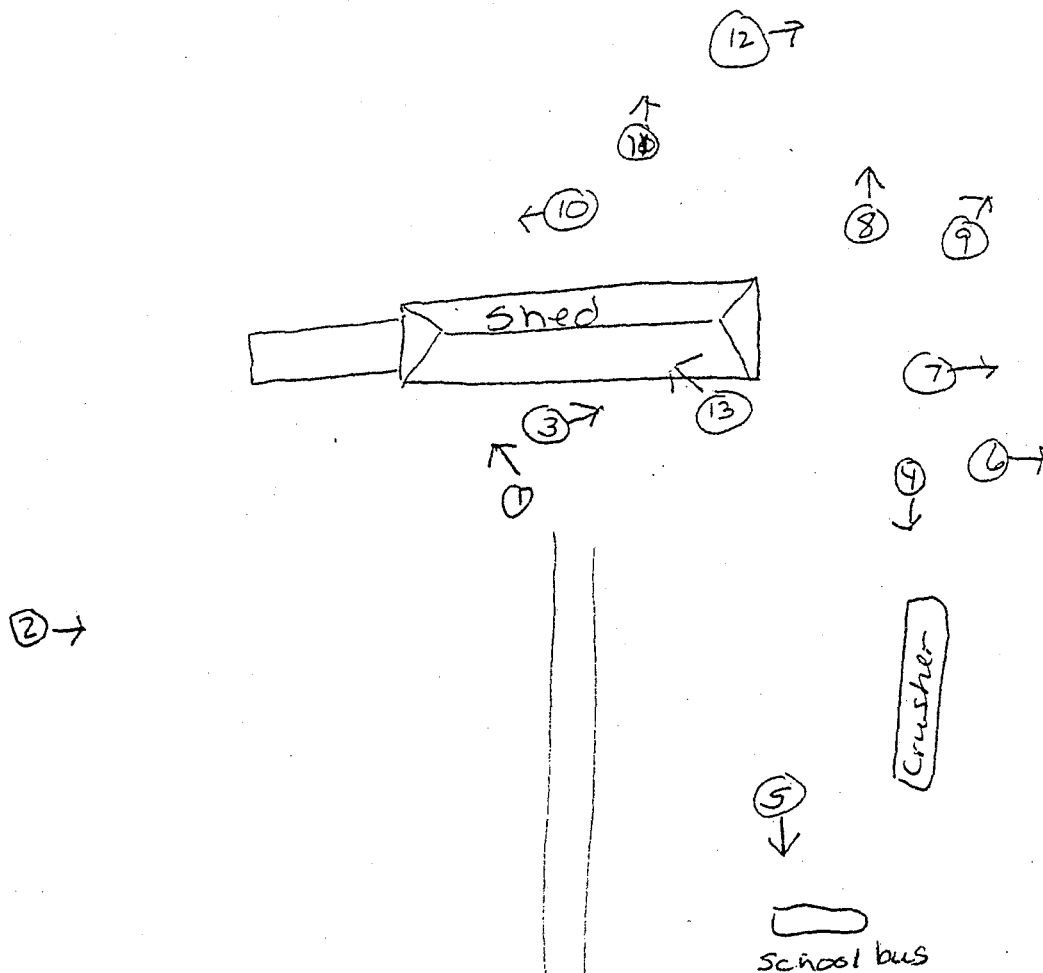
SITE SKETCH

Date of Inspection: 10/28/03
Case Code: LPC#0618115003
Site: Kane/Carrico's Auto Heap

Inspector: Jan Mier
County: Greene
Time: 11:55 a.m. - 12:15 p.m.

Measurements Approximate
Direction of Photo →
Not to Scale

NORTH



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Tire Disposal Site Inspection Checklist

County: GREENE LPC#: 0618115003 Region: 5 - Springfield
 City/Facility Name: KANE/CARRICOS AUTO HEAP
 Facility Location: 19290 CARRICOS ROAD, KANE, IL Telephone: 618.535-4708
 Date: 10/28/03 Time: From 11:55 To 12:15 Previous Inspection Date: 6/2/03
 Inspector(s): JAN MIER No. of Photos Taken: # 13
 Weather: 70 F, SUNNY No. of Samples Taken: 0
 Interviewed: DOUG CARRICO Complaint #: C-02-111-C
 Owner: _____ Operator: _____

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NOV 14 2003

IEPA-DLPC

VIOL

75 Estimated Number of Used Tires Located At This Facility

SECTION

DESCRIPTION

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"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT A WASTE-STORAGE, TREATMENT, OR DISPOSAL OPERATION:	
	(1)	without a permit granted by the Agency Note: cite only at tire disposal sites where tires are <u>first</u> disposed after 1/1/92. Also Mark 848.501(c), and 812.101(a) in <input type="checkbox"/> Other Requirements <input type="checkbox"/> . Also cite when other <u>off-site generated</u> waste has been disposed	<input type="checkbox"/>
	(2)	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"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE EXCEPT AT A SITE WHICH MEETS THE REQUIREMENTS OF THIS ACT AND REGULATIONS. Note: Also Mark appropriate Violations of Part 848	<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"/>
9.	55(a)	NO PERSON SHALL:	

LPC #:
Date:

	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
	(5)	Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property	<input checked="" type="checkbox"/>
	(6)	Fail to submit required reports or tire removal agreements	<input checked="" type="checkbox"/>
10.	55(c)	FAILURE TO FILE THE REQUIRED NOTIFICATION WITH THE AGENCY BY 1/1/90 OR WITHIN 30 DAYS OF COMMENCEMENT OF THE DISPOSAL ACTIVITY.	<input checked="" type="checkbox"/>
11.	55(d)(2)	CAUSING OR ALLOWING THE OPERATION OF A TIRE DISPOSAL SITE WITHOUT SUBMITTING, AND RECEIVING WRITTEN APPROVAL OF, A TIRE REMOVAL AGREEMENT, OR HAVING ENTERED INTO A CONSENSUAL REMOVAL AGREEMENT.	<input checked="" type="checkbox"/>
12.	55(e)	CAUSE OR ALLOW THE DISPOSAL 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"/>
13.	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"/>
14.	55(g)	NO PERSON SHALL 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"/>
15.	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"/>
16.	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"/>
17.	55(j)	FAILURE TO COMPLY WITH THE TERMS OF A TIRE REMOVAL AGREEMENT.	<input type="checkbox"/>
18.	55.4	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: a) <input type="checkbox"/> Minimizes the need for further maintenance b) <input type="checkbox"/> Removes all used and waste tires and any residues therefrom; and c) <input type="checkbox"/> Protects human health during the removal and post removal periods. Note: Also Mark a Violation of 848.502	<input type="checkbox"/>
PART 848: SUBPART B: MANAGEMENT STANDARDS			
19.	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 type="checkbox"/>
	(2)	NOT Accumulate Any Used or Waste Tire in Any Area Located Outside of Any Building Unless the Accumulation is Separated from All Buildings, Whether on or off the Site, by 25 Feet	<input type="checkbox"/>
	(3)	NOT Place On or Accumulate Any Used or Waste Tire in Any Pile Which is Less than 250 Feet from any Potential Ignition Source, including Cutting and Welding Devices, and Open Fires Unless All Such Activities are Carried Out Within A Building	<input type="checkbox"/>
	(4)	Drain Any Used or Waste Tire on the Day of Generation or Receipt	<input type="checkbox"/>
	(6)	NOT Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property in Illinois	<input checked="" type="checkbox"/>
	(7)	NOT Accept Any Used or Waste Tires from a Vehicle in Which More than 20 Tires Have Been Loaded Unless the Vehicle Displays a Tire Transporter Placard.	<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"/>

LPC #:

Date:

20.	848.202(c)	IN <u>ADDITION</u> 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 848.203	<input checked="" type="checkbox"/>
	(2)	Meet the Record keeping requirements of Part 848 Subpart C Note: Also Mark a Violation of Subpart C	<input checked="" type="checkbox"/>
	(3)	Maintain waste tire piles separated from grass, weeds, brush, over-hanging tree limbs, and similar vegetative growth by no less than 50 feet.	<input type="checkbox"/>
21.	848.202(d)	IN <u>ADDITION</u> 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 COMPLY WITH THE FOLLOWING:	
	(2)	The entrance shall be controlled at all times by an attendant, locked entrance, television monitors, controlled roadway access or other equivalent mechanisms.	<input type="checkbox"/>
22.	848.203	CONTINGENCY PLAN REQUIREMENTS FOR DISPOSAL SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of 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 provisions 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 emergency coordinator 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 AT TIRE DISPOSAL SITES			
23.	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"/>
24.	848.204(b)	STORAGE OF LESS THAN 500 TIRES WITHIN A BUILDING ALLOWED IF: (1) <input type="checkbox"/> Tires Drained of All Water Prior to Placement in the Building (2) <input type="checkbox"/> All of the Building's Windows and Doors Maintained in Working Order and Secured to Prevent Unauthorized Access. (3) <input type="checkbox"/> The Building Is Maintained So That it Is Fully Enclosed and Has a Roof and Sides Which Are Impermeable to Precipitation (4) <input type="checkbox"/> The Storage of Used or Waste Tires Is not in a Single Family Home or a Residential Dwelling	<input type="checkbox"/>
25.	848.204(c)	IN <u>ADDITION</u> 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, but not be limited to, 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 of and implemented within 14 days of filing with the Agency.	<input type="checkbox"/>

LPC #:
Date:

	(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 Subpart C	<input type="checkbox"/>
26.	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			
27.	848.205	OWNERS OR OPERATORS OF TIRE DISPOSAL 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"/>
28.	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 Disposal Sites with 500 or more Used or Waste Tires			
29.	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"/>
30.	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"/>
31.	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"/>
32.	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 tires received	<input type="checkbox"/>
	(b)(2)	The weight or volume of tires transported from the site	<input type="checkbox"/>
	(b)(4)	The weight or volume of used or waste tires combusted during the calendar year	<input type="checkbox"/>
33.	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input type="checkbox"/>
34.	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 disposed 50 or more used or waste tires, and which do not have written approval of a tire removal agreement, per 848.208			
35.	848.400(b)(1)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR AFTER 1/1/92, FAILURE TO COMPLY WITH SUBPART D PRIOR TO DISPOSING ANY USED OR WASTE TIRES Note: Also Mark a Violation of 848.401 or 848.404	<input checked="" type="checkbox"/>

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Date:

36.	848.400(b)(2)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE DISPOSED 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"/>
37.	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 checked="" type="checkbox"/>
38.	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"/>
39.	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL USED OR WASTE TIRES.	<input checked="" type="checkbox"/>
40.	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
PART 848: SUBPART E: TIRE REMOVAL AGREEMENTS			
41.	848.501(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR BEFORE 1/1/92, THE OWNER/OPERATOR SHALL OBTAIN BY 1/1/92 WRITTEN APPROVAL FROM THE AGENCY OF A TIRE REMOVAL AGREEMENT SUBMITTED PURSUANT TO THIS SUBPART.	<input checked="" type="checkbox"/>
42.	848.501(c)	FAILURE TO FIRST OBTAIN A LANDFILL PERMIT FROM THE AGENCY FOR TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92.	<input type="checkbox"/>
43.	848.502	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: (a) <input type="checkbox"/> Minimizes the need for further maintenance (b) <input type="checkbox"/> Removes all used and waste tires and any residues therefrom; and (c) <input type="checkbox"/> Protects human health during the removal and post removal periods.	<input type="checkbox"/>
44.	848.506(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92, THE OWNER/OPERATOR SHALL SUBMIT A PROPOSED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER RECEIPT OF THE KNOWN FINAL VOLUME OF USED TIRES.	<input type="checkbox"/>
45.	848.506(b)	THE OWNER OPERATOR SHALL BEGIN REMOVAL OF USED AND WASTE TIRES IN ACCORDANCE WITH THE APPROVED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER WRITTEN AGENCY APPROVAL, UNLESS THE TIRE REMOVAL AGREEMENT SPECIFIES OTHERWISE	<input type="checkbox"/>
PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS			
46.	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"/>
47.	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"/>
48.	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"/>
49.	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"/>

LPC #:
Date:

OTHER REQUIREMENTS			
50.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
51.		APPARENT VIOLATION OF: <input type="checkbox"/> PCB; CASE NUMBER: <input type="checkbox"/> CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
52.			<input type="checkbox"/>

Signature of Inspector(s)

Jan Mier

Informational Notes:

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G, Chapter I, Subchapter m, Part 848.
4. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in the references listed in #1, #2, and #3 above.
5. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
6. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
7. Items marked with an "NE" were not evaluated at the time of this inspection.

TIRE REMOVAL AGREEMENT REQUIREMENTS

Section 55(d)(2) of the Illinois Environmental Protection Act (Act) states that:

No person shall cause or allow the operation of a tire disposal site unless the owner or operator has received approval from the Agency after filing a **Tire Removal Agreement**. Once a Tire Removal Agreement has been approved by the Agency, Section 55(j) of the Act states that no person shall fail to comply with the terms of a **Tire Removal Agreement**.

35 Illinois Administrative Code (35 I.A.C.) Section 848.502 states that (Note: Capitalization denotes statutory language of Section 55.4 of the Act):

THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT UNDER this Subpart E SHALL REMOVE USED OR WASTE TIRES FROM THE SITE IN A MANNER THAT:

- a. MINIMIZES THE NEED FOR FURTHER MAINTENANCE;
- b. REMOVES ALL USED AND WASTE TIRES AND ANY RESIDUES THEREFROM; AND
- c. PROTECTS HUMAN HEALTH DURING THE REMOVAL AND POST REMOVAL PERIODS. (Section 55.4(a) of the Act)

35 I.A.C. Section 848.503 states that:

- a) A proposed TIRE REMOVAL AGREEMENT SUBMITTED TO THE AGENCY for approval under this Subpart E SHALL INCLUDE THE FOLLOWING:
 - 1) A COMPLETE INVENTORY OF THE TIRES LOCATED ON THE SITE.
 - 2) A DESCRIPTION OF HOW THE REMOVAL WILL BE CONDUCTED IN ACCORDANCE WITH Section 848.502.
 - 3) A DESCRIPTION OF THE METHODS TO BE USED DURING REMOVAL INCLUDING, BUT NOT LIMITED TO, THE METHODS FOR REMOVING, TRANSPORTING, PROCESSING, STORING OR DISPOSING OF TIRES AND RESIDUES, AND THE OFFSITE FACILITIES TO BE USED.
 - 4) A DETAILED DESCRIPTION OF OTHER ACTIVITIES NECESSARY DURING THE REMOVAL PERIOD TO ENSURE THAT THE REQUIREMENTS OF Section 848.502 ARE MET.
 - 5) A SCHEDULE OF COMPLETING THE REMOVAL OF TIRES FROM THE SITE, AS REQUIRED IN Section 848.504. (Section 55.4(b) of the Act)
- b) The owner or operator may propose amendment of the tire removal agreement at any time prior to notification of the completion of partial or final removal of tires from the facility. To request a change in an approved tire removal permit, the owner or operator shall submit a written request to the Agency. The written request must include a copy of the amended tire removal agreement for approval by the Agency.
- c) Nothing in this Section shall preclude the owner or operator from removing used or waste tires in accordance with the approved partial or final tire removal agreement before certification of completion of partial or final removal.

35 I.A.C. Section 848.504 states that:

- a) EACH APPROVED tire removal AGREEMENT SHALL INCLUDE A SCHEDULE BY WHICH THE OWNER OR OPERATOR MUST COMPLETE THE REMOVAL ACTIVITIES. THE TOTAL TIME ALLOWED SHALL NOT EXCEED THE FOLLOWING:
 - 1) ONE YEAR IF THE SITE CONTAINS 1,000 TIRES OR LESS;
 - ✓ 2) TWO YEARS IF THE SITE CONTAINS MORE THAN 1,000 TIRES BUT LESS THAN 10,000 TIRES;
 - 3) FIVE YEARS IF THE SITE CONTAINS 10,000 OR MORE TIRES.
- ✓ b) THE OWNER OR OPERATOR MAY APPLY FOR AN EXTENSION OF TIME, NO LATER THAN 90 DAYS BEFORE THE END OF THE TIME PERIOD SPECIFIED IN THE AGREEMENT. THE AGENCY SHALL NOT GRANT SUCH AN EXTENSION UNLESS IT DETERMINES THAT THE OWNER OR OPERATOR HAS PROCEEDED TO CARRY OUT THE AGREEMENT WITH ALL DUE DILIGENCE. THE REQUESTED EXTENSION OF TIME MAY NOT EXCEED 3 YEARS, AND THE AGENCY MAY APPROVE THE REQUEST AS SUBMITTED OR MAY APPROVE A LESSER AMOUNT OF TIME if the removal activities can be completed within such lesser amount of time. (Section 55.4(d) of the Act)

35 I.A.C. Section 848.505 states that:

- a) The removal plan is the approved tire removal agreement for the site, if one has been approved. Otherwise, the removal plan is the proposed tire removal agreement.
- b) An owner or operator who has provided financial assurance based on a proposed agreement shall provide substitute financial assurance based on the approved plan within 90 days after the Agency approves a tire removal agreement. This may consist of substitute financial assurance, or a letter from the financial institution acknowledging receipt of the approved plan and indicating no objection.

35 I.A.C. Section 848.506 states that:

- a) Any owner or operator who is required to obtain financial assurance under this Subpart shall submit a proposed tire removal agreement to the Agency that satisfies Sections 848.502 - 848.505 within 30 days after the date on which any tire disposal site or tire storage site receives the known final volume of used or waste tires or, if there is a reasonable possibility that the tire disposal site or tire storage site will receive additional used or waste tires, no later than one year after the date on which the site received the most recent volume of used or waste tires. If the owner or operator of a tire storage site or tire disposal site demonstrates to the Agency that the site has the capacity to receive additional used or waste tires and the owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment, the Agency shall approve an extension to this one-year limit.
- b) The owner or operator shall begin removal of used and waste tires in accordance with the approved tire removal agreement within 30 days after written Agency approval of the tire removal agreement unless the tire removal agreement specifies otherwise.
- c) The Agency shall have authority to approve a later date for initiation of tire removal in a tire removal agreement if:
 - 1) the owner or operator demonstrates to the Agency that a binding contractual relationship exists under which the owner or operator will remove all used and waste tires from the site within two years; or

- 2) other factors relative to operation of the site necessitate a later date for initiating removal of used and waste tires.

35 I.A.C. Section 845.507 states that:

WITHIN 60 DAYS AFTER THE COMPLETION OF REMOVAL ACTIVITIES UNDER AN APPROVED tire removal AGREEMENT under this Subpart E, THE OWNER OR OPERATOR SHALL SUBMIT TO THE AGENCY A CERTIFICATION THAT THE SITE OR THE AFFECTED PORTION OF THE SITE subject to a tire removal agreement HAS BEEN CLEARED OF TIRES IN ACCORDANCE WITH THE APPROVED tire removal AGREEMENT. (Section 55.4(e) of the Act)

35 I.A.C. Section 848.508 states that:

FOR A SITE AT WHICH THE OWNER OR OPERATOR IS PROPOSING TO PROCEED WITH REMOVAL under a tire removal agreement, rather than obtaining a permit under 35 Ill. Adm. Code: Subtitle G: Waste Disposal for the disposal of solid waste in a landfill, THE AGENCY SHALL APPROVE, MODIFY OR DISAPPROVE A PROPOSED AGREEMENT WITHIN 90 DAYS OF RECEIVING IT. IF THE AGENCY DOES NOT APPROVE THE AGREEMENT, THE AGENCY SHALL PROVIDE THE OWNER OR OPERATOR WITH A WRITTEN STATEMENT OF REASONS FOR THE REFUSAL, AND THE OWNER OR OPERATOR SHALL MODIFY THE AGREEMENT OR SUBMIT A NEW AGREEMENT FOR APPROVAL WITHIN 30 DAYS AFTER RECEIVING THE STATEMENT. THE AGENCY SHALL APPROVE OR MODIFY THE SECOND PROPOSED AGREEMENT WITHIN 60 DAYS. IF THE AGENCY MODIFIES THE SECOND PROPOSED AGREEMENT, THE AGREEMENT AS MODIFIED SHALL BECOME THE APPROVED AGREEMENT. (Section 55.4(c) of the Act)

35 I.A.C. Section 848.509 states that:

MODIFICATION OF OR REFUSAL TO MODIFY A proposed tire removal AGREEMENT SUBMITTED BY AN OWNER OR OPERATOR PROPOSING TO PROCEED WITH REMOVAL under a tire removal agreement IS A PERMIT DENIAL FOR PURPOSES OF appeal pursuant to 35 Ill. Adm. Code 105. (Section 55.4(f) of the Act)



Illinois Environmental Protection Agency



CONSENSUAL REMOVAL AGREEMENT

[Pursuant to the Environmental Protection Act, Section 55.3(c)]

The undersigned is the owner of a parcel of real estate located 19290 Carrico Road
Kane, IL

Site Number 01-184-15003 County: Greene

Location Site Name: Kane/Carrico Auto Heap

2. The undersigned hereby authorizes and consents to the entry upon the above-described real estate by officers, employees, authorized representatives, or contractors of the State of Illinois, upon showing of proper identification, for such actions as are necessary or appropriate to remove used and waste tires from the above-described real estate.
3. The undersigned hereby certifies that there are less than 1,000 used or waste tires located on the above-described real estate.
4. The undersigned hereby relinquishes any claim of an ownership interest in any used or waste tires that are removed or in any proceeds from their sale.
5. The undersigned agrees not to allow any further accumulation of used or waste tires at the above-described real estate.
6. The undersigned hereby agrees to waive any claims which may arise against the State of Illinois or their officers, employees, authorized representatives, or contractors in the course of performing the actions described above. The undersigned hereby also agrees to hold harmless the Agency, or any officers, employees, authorized representatives, or contractors utilized by the Agency to effect the removal, for any damage to property incurred during the course of action under this Agreement, except for gross negligence or intentional misconduct.
7. The undersigned agrees to provide any assistance requested by the Agency or any officers, employees, authorized representatives, or contractors of the Agency in locating used or waste tires on the above-described real estate or making arrangements to facilitate their removal.
8. The undersigned agrees that this consent shall remain in effect for a period of one year.
9. This consent is granted in consideration of the State of Illinois' undertaking of the removal of up to 1,000 used or waste tires at the above-described real estate at no cost to the undersigned.
10. The undersigned certifies that this Consent Agreement is entered into voluntarily and without coercion, that the authorizations contained herein are not granted in consideration of release of claims which the State of Illinois may have against the undersigned, except as provided in paragraph 9.

Date: 8/8/02

Printed Name: Douglas S. Carrico

Address: 19290 Carrico Road

City: KANE

State: IL

Zip Code: 62054

Phone: (618) 535-4708

Signature of Property Owner or

Authorized Agent of Property Owner: Douglas S. Carrico

Signature of Joint Owner(s) (if applicable): _____

This Agency is authorized to require this agreement under Illinois Revised Statutes, 1989, Chapter 111 1/2, Section 55.3. Entry into this agreement is voluntary. However, failure to enter into this agreement will result in ineligibility for a consensual removal action at the site. This form has been approved by the Forms Management Center.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

4500 SOUTH SIXTH STREET ROAD, SPRINGFIELD, ILLINOIS 62706

RENEE CIPRIANO, DIRECTOR

217-786-6892 • FAX 217-786-6357

January 14, 2003

CERTIFIED MAIL # 7000 1670 0009 0601 9907
RETURN RECEIPT REQUESTED

Mr. Doug Carrico
19291 Carrico Road
Kane, IL 62054

Re: **Violation Notice, L-2002-01430**
LPC#0618115003 – Greene County
Kane/Carricos Auto Heap
Compliance File

Dear Mr. Carrico:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based on an inspection completed on December 5, 2002, by representatives of the Illinois Environmental Protection Agency ("Illinois EPA"). A copy of the inspection report is enclosed.

The Illinois EPA hereby provides notice of violations of environmental statutes, regulations, or permits as set forth in the attachment to this letter. The attachment includes an explanation of the activities that the Illinois EPA believes may resolve the specified violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the violations cited, please be advised that resolution of the violations may require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. The response must address each violation specified in the attachment and include for each an explanation of the activities that will be implemented and the time schedule for the completion of that activity. The written response will constitute a proposed Compliance Commitment Agreement ("CCA") pursuant to Section 31 of the Act. The Illinois EPA will review the proposed CCA and will accept or reject it within 30 days of receipt.

If a timely written response to this Violation Notice is not provided, it shall be considered to be a waiver of the opportunity to respond and to meet provided by Section 31(a) of the Act, and the Illinois EPA may proceed with a referral to the prosecutorial authority.

January 14, 2003
Mr. Doug Carrico
Page 2

Written communications should be directed to:

Illinois EPA – Bureau of Land
Attention: Jan Mier
4500 South Sixth Street
Springfield, IL 62706

All communications must include reference to your **Violation Notice #L-01430**. If you have questions regarding this matter, please contact Jan Mier at the above number.

Sincerely,



David C. Jansen
Springfield Region Manager
Field Operations Section
Division of Land Pollution Control

DCJ/JEM/rr(U:\jem\carrico.doc)

Enclosures

cc: DLPC/Division File
DLPC/FOS – Springfield Region

ATTACHMENT A

1. Pursuant to Section 21(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(a)), 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: **You have caused or allowed the open dumping of waste.**

2. Pursuant to Section 21(d) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)), 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...

1. In violation of any regulations or standards adopted by the Board under this Act.
2. This subsection (d) shall not apply to hazardous waste.

A violation of Section 21(d) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)) is alleged for the following reason: **You are conducting a waste disposal operation in violation of regulations and standards adopted thereunder.**

3. Pursuant to Section 21(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e)), 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: **You have disposed, treated, stored or abandoned waste at a site which does not meet the requirements of the Act or regulations.**

4. 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;
6. standing or flowing liquid discharge from the dump site; or
7. deposition of "general construction or demolition debris" or "clean construction or demolition debris".

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)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)(1)) is alleged for the following reason: **litter was observed on your site.**

5. Pursuant to Section 55(a)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.

A violation of Section 55(a)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(1)) is alleged for the following reason: **tires were observed open dumped at your site.**

6. Pursuant to Section 55(a)(5) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(5)), no person shall abandon, dump or dispose of any used or waste tire on private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.

A violation of Section 55(a)(5) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(5)) is alleged for the following reason: **You have dumped tires on private property.**

7. Pursuant to Section 55(a)(6) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(6)), no person shall fail to submit required reports, tire removal agreements...

A violation of Section 55(a)(6) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(6)) is alleged for the following reason: **You have failed to submit a Tire Removal Agreement.**

8. Pursuant to Section 55(c) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(c)), any person who operates a tire storage site or a tire disposal site which contains more than 50 used or waste tires shall give notice of such activity to the Agency. Any person engaging in such activity for the first time after January 1, 1990, shall give notice to the Agency within 30 days after the date of commencement of the activity. The form of such notice shall be specified by the Agency and shall be limited to information regarding the following:

1. the name and address of the owner and operator;
2. the name, address and location of the operation;
3. the type of operations involving used and waste tires (storage, disposal, conversion or processing); and
4. the number of used and waste tires present at the location.

A violation of Section 55(c) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(c)) is alleged for the following reason: **You have not notified as a tire disposal facility.**

9. Pursuant to Section 55(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(d)(2)), beginning January 1, 1992, no person shall cause or allow the operation of a tire disposal site, unless the owner or operator (i) has received approval from the Agency after filing a tire removal agreement pursuant to Section 55.45, or (ii) has entered into a written agreement to participate in a consensual removal action under Section 55.3.

A violation of Section 55(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(d)(2)) is alleged for the following reason: **You have failed to submit a Tire Removal Agreement.**

10. Pursuant to Section 55(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(e)), no person shall 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.

A violation of Section 55(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(e)) is alleged for the following reason: **You have disposed of tires in violation of regulations and standards adopted by the Board.**

11. Pursuant to 35 Ill. Adm. Code 848.202(b)(6), at sites at which more than 50 used or waste tires are located the owner or operator shall comply with the following requirement: **USED OR WASTE TIRES SHALL NOT BE ABANDONED, DUMPED OR DISPOSED ON PRIVATE OR PUBLIC PROPERTY IN ILLINOIS, EXCEPT IN A LANDFILL PERMITTED BY THE AGENCY PURSUANT TO 35 ILL. ADM. CODE 807 OR 811. (Section 55(a)(5) of the Act)**

A violation of 35 Ill. Adm. Code 848.202(b)(6) is alleged for the following reason: **Used or waste tires have been dumped on private property.**

12. Pursuant to 35 Ill. Adm. Code 848.202(c)(1), in addition to the requirements set forth in subsection [848.202] (b), the owner or operator shall comply with the following requirement at sites at which more than 500 used or waste tires are located. A contingency plan which meets the requirements of Section 848.203 shall be maintained.

A violation of 35 Ill. Adm. Code 848.202(c)(1) is alleged for the following reason: **You have not maintained a contingency plan.**

13. Pursuant to 35 Ill. Adm. Code 848.202(c)(2), in addition to the requirements set forth in subsection [848.202] (b), the owner or operator shall comply with the following requirement at sites at which more than 500 used or waste tires are located. The record keeping and reporting requirements of [35 Ill. Adm. Code 848] Subpart C shall be met.

A violation of 35 Ill. Adm. Code 848.202(c)(2) is alleged for the following reason: **You have not maintained a daily tire record or an annual tire summary.**

14. Pursuant to 35 Ill. Adm. Code 848.204(c), in addition to the requirements set forth in subsection [848.204] (b), if 500 or more used or waste tires are stored within a building, then the owner or operator shall:

- 1) develop a tire storage plan in consultation with the local fire department or the state fire marshal meeting the following requirements:
 - A) the plan shall be developed by considering the type of building to be used for tire storage, i.e. warehouse or grain elevator, and the type of used or waste tires being stored, i.e. whole or shredded;
 - B) the plan shall include, but not be limited to: the tire storage arrangement; aisle space if necessary; clearance distances between tire piles and the building ceiling, unit heaters, duct furnaces and sprinkler deflectors; and access to fire fighting personnel and equipment; and
 - C) a copy of the tire storage plan shall be filed with the Agency within 60 days of the effective date of this Part [848] and the plan requirements shall be implemented within 14 days of filing the tire storage plan with the Agency;
- 2) have and maintain a contingency plan which meets the requirements of Section 848.203; and
- 3) meet the record keeping and reporting requirements of [35 Ill. Adm. Code 848] Subpart C.

A violation of 35 Ill. Adm. Code 848.204(c) is alleged for the following reason: **You do not have a tire storage plan developed in consultation with the local fire departments that meets the requirements of Section 848.204(c)(1); you do not have a contingency plan that meets the requirements of Section 848.203; you do not meet the record keeping and reporting requirements of {35 Ill. Adm. Code 848} Subpart C.**

15. Pursuant to 35 Ill. Adm. Code 848.302(a), the owner or operator shall keep a record of used and waste tires at the site. The owner and operator shall keep the following records:

- 1) Daily Tire Record
- 2) Annual Tire Summary

A violation of 35 Ill. Adm. Code 848.302(a) is alleged for the following reason: **You have not kept a daily tire record or an annual tire summary required by Subpart C.**

16. Pursuant to 35 Ill. Adm. Code 848.400(b), unless exempted by subsection [848.400] (c), owners and operators shall comply with this [35 Ill. Adm. Code 848] Subpart [D]:

- 1) Prior to storing or disposing any used or waste tires, for sites where used or waste tires are first stored or disposed on or after January 1, 1992;
- 2) By January 1, 1992, for sites where used or waste tires are disposed or stored prior to January 1, 1992.

A violation of 35 Ill. Adm. Code 848.400(b) is alleged for the following reason: **Financial assurance and cost estimates required by Subpart D have not been maintained.**

17. Pursuant to 35 Ill. Adm. Code 848.401(a), the owner or operator shall 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 subsection [848.401] (b).

A violation of 35 Ill. Adm. Code 848.401(a) is alleged for the following reason: **Financial assurance was not maintained.**

18. Pursuant to 35 Ill. Adm. Code 848.404(a), the owner or operator shall submit to the Agency a written estimate of the cost of removing all used and waste tires from the site.

- 1) The owner or operator shall submit the cost estimate with the annual notice of activity pursuant to Section 55(d) of the Act.
- 2) The cost estimate is due on January 1 of each year, commencing January 1, 1992.

A violation of 35 Ill. Adm. Code 848.404(a) is alleged for the following reason: **You have not submitted a written estimate of the cost of removing all used and waste tires from the site.**

19. Pursuant to 35 Ill. Adm. Code 848.501(a), by January 1, 1992, the owner or operator of a tire disposal site shall obtain written approval from the Agency of a tire removal agreement submitted pursuant to this [35 Ill. Adm. Code 848] Subpart [E] unless:

- 1) THE OWNER OR OPERATOR HAS ENTERED INTO A WRITTEN AGREEMENT TO PARTICIPATE IN A CONSENSUAL REMOVAL ACTION UNDER SECTION 55.3(c) OF THE ACT (Section 55.4 of the Act); or
- 2) The owner or operator has received a permit from the Agency pursuant to the requirements of Subtitle G: Waste Disposal for the disposal of solid waste at landfills; or
- 3) The owner or operator has submitted a complete written proposal pursuant to Section 848.503 for a tire removal agreement to the Agency in accordance with this Subpart [E] by July 1, 1991, the owner or operator has submitted all information required or necessary to process the submission, and the Agency has not made a determination with respect to the submittal.

A violation of 35 Ill. Adm. Code 848.501(a) is alleged for the following reason: **You have not obtained Illinois EPA approval of a tire removal agreement.**

20. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the [Illinois] Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **A waste disposal site was operated without submitting to the Illinois EPA an application for a permit to develop and operate a landfill**

SUGGESTED RESOLUTIONS

1. By February 28, 2003, submit to the Illinois EPA for our review and approval a Tire Removal Agreement that meets all the requirements of 35 IAC Part 848 (see enclosed description of Tire Removal Agreement requirements), and comply with all the other applicable used tire requirements of the Illinois Environmental Protection Act and 35 IAC Part 848 cited herein and in the enclosed checklist;

or

By February 28, 2003, using a Illinois EPA registered tire hauler, properly remove all used and waste tires currently on the property, and dispose of those tires at an Illinois EPA registered tire treatment, storage or disposal facility, and after removal of those tires, do not accumulate more than 50 used tires on the property in the future without complying with the applicable used tire requirements of the Illinois Environmental Protection Act and 35 IAC Part 848. Used or waste tires cannot be taken to a landfill or transfer station for the purpose of disposal.

2. By March 7, 2003 submit to the Illinois EPA copies of receipts and/or manifests that document the proper disposal or recycling of the wastes.

The written response to this Violation Notice must include information in rebuttal, explanation, or justification of each alleged violation and must be submitted to the Illinois EPA by certified mail, within 45 days of receipt of this Violation Notice. The written response must also include a proposed Compliance Commitment Agreement that commits to specific remedial actions, includes specified times for achieving each commitment, and may include a statement that compliance has been achieved.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Tire Disposal Site Inspection Checklist

County: GREENE LPC#: 0618115003 Region: 5 - Springfield
 City/Facility Name: KANE/CARRICO'S AUTO HEAP
 Facility Location: 19290 CARRICOS ROAD, KANE, IL Telephone: 618.535-4708
 Date: 12/5/02 Time: From 2:30 To 2:45 P Previous Inspection Date: 6/27/02
 Inspector(s): JAN MIER No. of Photos Taken: # 3
 Weather 30 F, SUNNY No. of Samples Taken: 0
 Interviewed: DOUG CARRICO Complaint #: C-02-111-C
 Owner: _____ Operator: _____

1500

Estimated Number of Used Tires Located At This Facility

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"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT A WASTE-STORAGE, TREATMENT, OR DISPOSAL OPERATION:	
	(1)	without a permit granted by the Agency Note: cite only at tire disposal sites where tires are <u>first</u> disposed after 1/1/92. Also Mark 848.501(c), and 812.101(a) in <input type="checkbox"/> Other Requirements <input type="checkbox"/> . Also cite when other <u>off-site generated</u> waste has been disposed	<input type="checkbox"/>
	(2)	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"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE EXCEPT AT A SITE WHICH MEETS THE REQUIREMENTS OF THIS ACT AND REGULATIONS. Note: Also Mark appropriate Violations of Part 848	<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"/>
9.	55(a)	NO PERSON SHALL:	

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	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
	(5)	Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property	<input checked="" type="checkbox"/>
	(6)	Fail to submit required reports or tire removal agreements	<input checked="" type="checkbox"/>
10.	55(c)	FAILURE TO FILE THE REQUIRED NOTIFICATION WITH THE AGENCY BY 1/1/90 OR WITHIN 30 DAYS OF COMMENCEMENT OF THE DISPOSAL ACTIVITY.	<input checked="" type="checkbox"/>
11.	55(d)(2)	CAUSING OR ALLOWING THE OPERATION OF A TIRE DISPOSAL SITE WITHOUT SUBMITTING, AND RECEIVING WRITTEN APPROVAL OF, A TIRE REMOVAL AGREEMENT, OR HAVING ENTERED INTO A CONSENSUAL REMOVAL AGREEMENT.	<input checked="" type="checkbox"/>
12.	55(e)	CAUSE OR ALLOW THE DISPOSAL 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"/>
13.	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"/>
14.	55(g)	NO PERSON SHALL 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"/>
15.	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"/>
16.	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"/>
17.	55(j)	FAILURE TO COMPLY WITH THE TERMS OF A TIRE REMOVAL AGREEMENT.	<input type="checkbox"/>
18.	55.4	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: a) <input type="checkbox"/> Minimizes the need for further maintenance b) <input type="checkbox"/> Removes all used and waste tires and any residues therefrom; and c) <input type="checkbox"/> Protects human health during the removal and post removal periods. Note: Also Mark a Violation of 848.502	<input type="checkbox"/>
PART 848: SUBPART B: MANAGEMENT STANDARDS			
19.	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 type="checkbox"/>
	(2)	NOT Accumulate Any Used or Waste Tire in Any Area Located Outside of Any Building Unless the Accumulation is Separated from All Buildings, Whether on or off the Site, by 25 Feet	<input type="checkbox"/>
	(3)	NOT Place On or Accumulate Any Used or Waste Tire in Any Pile Which is Less than 250 Feet from any Potential Ignition Source, including Cutting and Welding Devices, and Open Fires Unless All Such Activities are Carried Out Within A Building	<input type="checkbox"/>
	(4)	Drain Any Used or Waste Tire on the Day of Generation or Receipt	<input type="checkbox"/>
	(6)	NOT Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property in Illinois	<input checked="" type="checkbox"/>
	(7)	NOT Accept Any Used or Waste Tires from a Vehicle in Which More than 20 Tires Have Been Loaded Unless the Vehicle Displays a Tire Transporter Placard.	<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"/>

20.	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 848.203	<input checked="" type="checkbox"/>
	(2)	Meet the Record keeping requirements of Part 848 Subpart C Note: Also Mark a Violation of Subpart C	<input checked="" type="checkbox"/>
	(3)	Maintain waste tire piles separated from grass, weeds, brush, over-hanging tree limbs, and similar vegetative growth by no less than 50 feet.	<input type="checkbox"/>
21.	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 COMPLY WITH THE FOLLOWING:	
	(2)	The entrance shall be controlled at all times by an attendant, locked entrance, television monitors, controlled roadway access or other equivalent mechanisms.	<input type="checkbox"/>
22.	848.203	CONTINGENCY PLAN REQUIREMENTS FOR DISPOSAL SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of 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 provisions 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 emergency coordinator 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 AT TIRE DISPOSAL SITES			
23.	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"/>
24.	848.204(b)	STORAGE OF LESS THAN 500 TIRES WITHIN A BUILDING ALLOWED IF: (1) <input type="checkbox"/> Tires Drained of All Water Prior to Placement in the Building (2) <input type="checkbox"/> All of the Building's Windows and Doors Maintained in Working Order and Secured to Prevent Unauthorized Access. (3) <input type="checkbox"/> The Building Is Maintained So That it Is Fully Enclosed and Has a Roof and Sides Which Are Impermeable to Precipitation (4) <input type="checkbox"/> The Storage of Used or Waste Tires Is not in a Single Family Home or a Residential Dwelling	<input type="checkbox"/>
25.	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 checked="" type="checkbox"/> considering the type of building to be used for the tire storage. (B) <input checked="" type="checkbox"/> the plan shall include, but not be limited to, tire storage arrangement; aisle space; clearance distances between tire piles and sprinkler deflectors; and access to fire fighting personnel and equipment (C) <input checked="" type="checkbox"/> a copy of the plan shall be filed with the Agency within 60 days of and implemented within 14 days of filing with the Agency.	<input checked="" type="checkbox"/>

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	(2)	Have and maintain a contingency plan which meets the requirements of Section 848.203	<input checked="" type="checkbox"/>
	(3)	Meet the record keeping and reporting requirements of Subpart C Note: Also Mark a Violation of Subpart C	<input checked="" type="checkbox"/>
26.	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

27.	848.205	OWNERS OR OPERATORS OF TIRE DISPOSAL 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"/>
28.	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 Disposal Sites with 500 or more Used or Waste Tires

29.	848.302(a)	The owner/operator shall keep on site a: (1) <input checked="" type="checkbox"/> Daily Tire Record (2) <input checked="" type="checkbox"/> Annual Tire Summary	<input checked="" type="checkbox"/>
30.	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"/>
31.	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"/>
32.	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 tires received	<input type="checkbox"/>
	(b)(2)	The weight or volume of tires transported from the site	<input type="checkbox"/>
	(b)(4)	The weight or volume of used or waste tires combusted during the calendar year	<input type="checkbox"/>
33.	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input type="checkbox"/>
34.	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 disposed 50 or more used or waste tires, and which do not have written approval of a tire removal agreement, per 848.208

35.	848.400(b)(1)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR AFTER 1/1/92, FAILURE TO COMPLY WITH SUBPART D PRIOR TO DISPOSING ANY USED OR WASTE TIRES Note: Also Mark a Violation of 848.401 or 848.404	<input checked="" type="checkbox"/>
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36.	848.400(b)(2)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE DISPOSED 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"/>
37.	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 checked="" type="checkbox"/>
38.	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"/>
39.	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL USED OR WASTE TIRES.	<input checked="" type="checkbox"/>
40.	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
PART 848: SUBPART E: TIRE REMOVAL AGREEMENTS			
41.	848.501(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR BEFORE 1/1/92, THE OWNER/OPERATOR SHALL OBTAIN BY 1/1/92 WRITTEN APPROVAL FROM THE AGENCY OF A TIRE REMOVAL AGREEMENT SUBMITTED PURSUANT TO THIS SUBPART.	<input checked="" type="checkbox"/>
42.	848.501(c)	FAILURE TO FIRST OBTAIN A LANDFILL PERMIT FROM THE AGENCY FOR TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92.	<input type="checkbox"/>
43.	848.502	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: (a) <input type="checkbox"/> Minimizes the need for further maintenance (b) <input type="checkbox"/> Removes all used and waste tires and any residues therefrom; and (c) <input type="checkbox"/> Protects human health during the removal and post removal periods.	<input type="checkbox"/>
44.	848.506(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92, THE OWNER/OPERATOR SHALL SUBMIT A PROPOSED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER RECEIPT OF THE KNOWN FINAL VOLUME OF USED TIRES.	<input type="checkbox"/>
45.	848.506(b)	THE OWNER OPERATOR SHALL BEGIN REMOVAL OF USED AND WASTE TIRES IN ACCORDANCE WITH THE APPROVED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER WRITTEN AGENCY APPROVAL, UNLESS THE TIRE REMOVAL AGREEMENT SPECIFIES OTHERWISE	<input type="checkbox"/>
PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS			
46.	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"/>
47.	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"/>
48.	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"/>
49.	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"/>

LPC #:

Date:

OTHER REQUIREMENTS

50.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
51.		APPARENT VIOLATION OF: <input type="checkbox"/> PCB; CASE NUMBER: <input type="checkbox"/> CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
52.			<input type="checkbox"/>

Signature of Inspector(s)

Sam Mier

Informational Notes:

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G, Chapter I, Subchapter m, Part 848.
4. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in the references listed in #1, #2, and #3 above.
5. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
6. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
7. Items marked with an "NE" were not evaluated at the time of this inspection.

**Illinois Environmental Protection Agency
Inspection Narrative**

LPC#0618115003 – Greene County
Kane/Carrico's Auto Heap
Inspection Date – 12/05/02
FOS File

On December 5, 2002, I conducted a re-inspection of the above-referenced site. The property is an old salvage yard that is closing and the owner, Doug Carrico, is in the process of cleaning up the site. A Non-Compliance Advisory letter was sent to Mr. Carrico on July 24, 2002, allowing Mr. Carrico to enter into a Consensual Removal Agreement with the Illinois EPA. Mr. Carrico signed the Agreement and Branna LLC, an Illinois EPA contractor, removed approximately 1,000 tires on October 26, 2002.

I arrived at 2:20 p.m. There were still about 1,500 tires on site. Approximately 500 off rim car tires were located in a shed on site (see photo #001). Another large pile of about 500 tires was located in the yard (see photo #002) and another 500 tires were scattered throughout the yard (see photo #003)

The amount of tires on site will have to be revised because several hundred tires were generated when the metal recycler, Max Mullins, removed the vehicles on site but did not take the tires from them.

I departed at 2:45 p.m.

Violations observed at the time of the inspection are noted on the attached checklist.

LPC/FOS – Springfield Region

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 12/5/02
e Code: LPC#0618115003
e: Kane/Carrico's Auto Heap

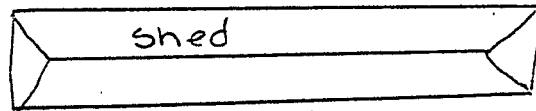
Inspector: Jan Mier
County: Greene
Time: 2:30 p.m. - 2:45 p.m.

Measurements Approximate

Direction of Photo →

Not to Scale

NORTH



Carrico's Road

TIRE REMOVAL AGREEMENT REQUIREMENTS

Section 55(d)(2) of the Illinois Environmental Protection Act (Act) states that:

No person shall cause or allow the operation of a tire disposal site unless the owner or operator has received approval from the Agency after filing a **Tire Removal Agreement**. Once a Tire Removal Agreement has been approved by the Agency, Section 55(j) of the Act states that no person shall fail to comply with the terms of a **Tire Removal Agreement**.

35 Illinois Administrative Code (35 I.A.C.) Section 848.502 states that (Note: Capitalization denotes statutory language of Section 55.4 of the Act):

THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT UNDER this Subpart E SHALL REMOVE USED OR WASTE TIRES FROM THE SITE IN A MANNER THAT:

- a. MINIMIZES THE NEED FOR FURTHER MAINTENANCE;
- b. REMOVES ALL USED AND WASTE TIRES AND ANY RESIDUES THEREFROM; AND
- c. PROTECTS HUMAN HEALTH DURING THE REMOVAL AND POST REMOVAL PERIODS. (Section 55.4(a) of the Act)

35 I.A.C. Section 848.503 states that:

- a) A proposed TIRE REMOVAL AGREEMENT SUBMITTED TO THE AGENCY for approval under this Subpart E SHALL INCLUDE THE FOLLOWING:
 - 1) A COMPLETE INVENTORY OF THE TIRES LOCATED ON THE SITE.
 - 2) A DESCRIPTION OF HOW THE REMOVAL WILL BE CONDUCTED IN ACCORDANCE WITH Section 848.502.
 - 3) A DESCRIPTION OF THE METHODS TO BE USED DURING REMOVAL INCLUDING, BUT NOT LIMITED TO, THE METHODS FOR REMOVING, TRANSPORTING, PROCESSING, STORING OR DISPOSING OF TIRES AND RESIDUES, AND THE OFFSITE FACILITIES TO BE USED.
 - 4) A DETAILED DESCRIPTION OF OTHER ACTIVITIES NECESSARY DURING THE REMOVAL PERIOD TO ENSURE THAT THE REQUIREMENTS OF Section 848.502 ARE MET.
 - 5) A SCHEDULE OF COMPLETING THE REMOVAL OF TIRES FROM THE SITE, AS REQUIRED IN Section 848.504. (Section 55.4(b) of the Act)
- b) The owner or operator may propose amendment of the tire removal agreement at any time prior to notification of the completion of partial or final removal of tires from the facility. To request a change in an approved tire removal permit, the owner or operator shall submit a written request to the Agency. The written request must include a copy of the amended tire removal agreement for approval by the Agency.
- c) Nothing in this Section shall preclude the owner or operator from removing used or waste tires in accordance with the approved partial or final tire removal agreement before certification of completion of partial or final removal.

35 I.A.C. Section 848.504 states that:

- a) EACH APPROVED tire removal AGREEMENT SHALL INCLUDE A SCHEDULE BY WHICH THE OWNER OR OPERATOR MUST COMPLETE THE REMOVAL ACTIVITIES. THE TOTAL TIME ALLOWED SHALL NOT EXCEED THE FOLLOWING:
 - 1) ONE YEAR IF THE SITE CONTAINS 1,000 TIRES OR LESS;
 - 2) TWO YEARS IF THE SITE CONTAINS MORE THAN 1,000 TIRES BUT LESS THAN 10,000 TIRES;
 - 3) FIVE YEARS IF THE SITE CONTAINS 10,000 OR MORE TIRES.
- b) THE OWNER OR OPERATOR MAY APPLY FOR AN EXTENSION OF TIME, NO LATER THAN 90 DAYS BEFORE THE END OF THE TIME PERIOD SPECIFIED IN THE AGREEMENT. THE AGENCY SHALL NOT GRANT SUCH AN EXTENSION UNLESS IT DETERMINES THAT THE OWNER OR OPERATOR HAS PROCEEDED TO CARRY OUT THE AGREEMENT WITH ALL DUE DILIGENCE. THE REQUESTED EXTENSION OF TIME MAY NOT EXCEED 3 YEARS, AND THE AGENCY MAY APPROVE THE REQUEST AS SUBMITTED OR MAY APPROVE A LESSER AMOUNT OF TIME if the removal activities can be completed within such lesser amount of time. (Section 55.4(d) of the Act)

35 I.A.C. Section 848.505 states that:

- a) The removal plan is the approved tire removal agreement for the site, if one has been approved. Otherwise, the removal plan is the proposed tire removal agreement.
- b) An owner or operator who has provided financial assurance based on a proposed agreement shall provide substitute financial assurance based on the approved plan within 90 days after the Agency approves a tire removal agreement. This may consist of substitute financial assurance, or a letter from the financial institution acknowledging receipt of the approved plan and indicating no objection.

35 I.A.C. Section 848.506 states that:

- a) Any owner or operator who is required to obtain financial assurance under this Subpart shall submit a proposed tire removal agreement to the Agency that satisfies Sections 848.502 - 848.505 within 30 days after the date on which any tire disposal site or tire storage site receives the known final volume of used or waste tires or, if there is a reasonable possibility that the tire disposal site or tire storage site will receive additional used or waste tires, no later than one year after the date on which the site received the most recent volume of used or waste tires. If the owner or operator of a tire storage site or tire disposal site demonstrates to the Agency that the site has the capacity to receive additional used or waste tires and the owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment, the Agency shall approve an extension to this one-year limit.
- b) The owner or operator shall begin removal of used and waste tires in accordance with the approved tire removal agreement within 30 days after written Agency approval of the tire removal agreement unless the tire removal agreement specifies otherwise.
- c) The Agency shall have authority to approve a later date for initiation of tire removal in a tire removal agreement if:
 - 1) the owner or operator demonstrates to the Agency that a binding contractual relationship exists under which the owner or operator will remove all used and waste tires from the site within two years; or

- 2) other factors relative to operation of the site necessitate a later date for initiating removal of used and waste tires.

35 I.A.C. Section 845.507 states that:

WITHIN 60 DAYS AFTER THE COMPLETION OF REMOVAL ACTIVITIES UNDER AN APPROVED tire removal AGREEMENT under this Subpart E, THE OWNER OR OPERATOR SHALL SUBMIT TO THE AGENCY A CERTIFICATION THAT THE SITE OR THE AFFECTED PORTION OF THE SITE subject to a tire removal agreement HAS BEEN CLEARED OF TIRES IN ACCORDANCE WITH THE APPROVED tire removal AGREEMENT. (Section 55.4(e) of the Act)

35 I.A.C. Section 848.508 states that:

FOR A SITE AT WHICH THE OWNER OR OPERATOR IS PROPOSING TO PROCEED WITH REMOVAL under a tire removal agreement, rather than obtaining a permit under 35 Ill. Adm. Code: Subtitle G: Waste Disposal for the disposal of solid waste in a landfill, THE AGENCY SHALL APPROVE, MODIFY OR DISAPPROVE A PROPOSED AGREEMENT WITHIN 90 DAYS OF RECEIVING IT. IF THE AGENCY DOES NOT APPROVE THE AGREEMENT, THE AGENCY SHALL PROVIDE THE OWNER OR OPERATOR WITH A WRITTEN STATEMENT OF REASONS FOR THE REFUSAL, AND THE OWNER OR OPERATOR SHALL MODIFY THE AGREEMENT OR SUBMIT A NEW AGREEMENT FOR APPROVAL WITHIN 30 DAYS AFTER RECEIVING THE STATEMENT. THE AGENCY SHALL APPROVE OR MODIFY THE SECOND PROPOSED AGREEMENT WITHIN 60 DAYS. IF THE AGENCY MODIFIES THE SECOND PROPOSED AGREEMENT, THE AGREEMENT AS MODIFIED SHALL BECOME THE APPROVED AGREEMENT. (Section 55.4(c) of the Act)

35 I.A.C. Section 848.509 states that:

MODIFICATION OF OR REFUSAL TO MODIFY A proposed tire removal AGREEMENT SUBMITTED BY AN OWNER OR OPERATOR PROPOSING TO PROCEED WITH REMOVAL under a tire removal agreement IS A PERMIT DENIAL FOR PURPOSES OF appeal pursuant to 35 Ill. Adm. Code 105. (Section 55.4(f) of the Act)

Illinois EPA ,

02/22/03

I have been disposing of tires as quickly as I have been able to taking into consideration time, weather and cash. The tires are almost all gone now and I will continue to have the remaining ones moved as soon as possible. I believe another month should take care of the rest of them. Included please find copy's of two receipts from the disposal of the tires, one for 800 tires and one for 1310 tires, there has been a third load gone out which I don't have a receipt for yet. The trash has been hauled off as well and I am sure it really doesn't matter but I just wanted to let you know that this trash was dumped there without my or my mother's knowledge or consent. We rarely go over to this property and we just discovered it there one day. Shortly there after we posted no trespassing and no dumping signs. Later we discovered there had been more trash dumped and also someone had torn much of the aluminum siding off the old farmhouse there. We will try to keep an eye on the place as best we can. It has however been quite some time since we have had any more problems.

Thank You,

Violation Notice Numbers:

L - 2002 - 01431

L - 01430

L - 01432

533175

665857

STATEMENTDATE 2-12-03

CUSTOMER'S ORDER NO.		DATE	
		<u>1-28-03</u>	
NAME <u>Doug Carrico</u>			
ADDRESS			
CITY, STATE, ZIP			
SOLD BY	CASH	C.O.D.	CHARGE
ON ACCT.	MDSE	PAID OUT	
	RETD.		
QUAN.	DESCRIPTION		AMOUNT
1	800 Tire Disp		
2			
3			
4			
5			
6			
7	Transport #		
8	T 7230		
9			
10			
11			
12			
RECEIVED BY <u>Charles H. Kram</u>			

KEEP THIS SLIP FOR REFERENCE

3705

TO		TERMS	
<u>Doug Carrico</u>			
IN ACCOUNT WITH			
LONS TIRE RECYCLERS			
RR #4 Box 15			
Petersburg, IL 62675			
#T8707			
660	Junk Tires	660	00
650	Junk Tires	650	00
		\$	1310.00
1310.00		coupons	
300.00			
1000.00			

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>x [Signature]</i></p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery <u>2/25/03</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes IF YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center; font-size: 1.2em;">7002 2030 0002 8074 3446</p>
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540</p>	

7002 2030 0002 8074 3446

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	4.90
Certified Fee		2.30
Return Receipt Fee (Endorsement Required)		1.75
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	4.95

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

162706

PS Form 3800, June 2002

See Reverse for Instructions



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

March 18, 2003

CERTIFIED MAIL 7000 1670 0009 0601 9372
RETURN RECEIPT REQUESTED

Mr. Doug Carrico
19291 Carrico Road
Kane, IL 62054

Re: **Violation Notice, L-2002-01430**
LPC #0618115003 – Greene County
Kane/Carrico's Auto Heap
Compliance File

Dear Mr. Carrico:

The Illinois Environmental Protection Agency ("Illinois EPA") ACCEPTS the February 22, 2003 Compliance Commitment Agreement ("CCA") proposed by you and received on February 25, 2003 in response to the Violation Notice dated January 14, 2003. An extension to the compliance deadline is given until April 15, 2003. Please continue to submit receipts for proper disposal of the waste tires to the Illinois EPA.

Failure to fully comply with each of the commitments and the schedules for achieving each commitment as contained in the CCA may, at the sole discretion of the Illinois EPA, result in referral of this matter to the Office of the Attorney General, the State's Attorney of Greene County, or the United States Environmental Protection Agency.

The CCA does not constitute a waiver or modification of the terms and conditions of any license or permit issued by the Illinois EPA or any other unit or department of local, state or federal government or of any local, state, or federal statute or regulatory requirement. All required permits or licenses necessary to accomplish the commitments stated above and comply with all local, state or federal laws, regulations, licenses or permits must be acquired in a timely manner. The need for acquisition of any licenses or permits does not waive any of the times for achieving each commitment as contained in the CCA.

ROCKFORD – 4302 North Main Street, Rockford, IL 61103 – (815) 987-7760 • DES PLAINES – 9511 W. Harrison St., Des Plaines, IL 60016 – (847) 294-4000

ELGIN – 595 South State, Elgin, IL 60123 – (847) 608-3131 • PEORIA – 5415 N. University St., Peoria, IL 61614 – (309) 693-5463

BUREAU OF LAND – PEORIA – 7620 N. University St., Peoria, IL 61614 – (309) 693-5462 • CHAMPAIGN – 2125 South First Street, Champaign, IL 61820 – (217) 278-5800

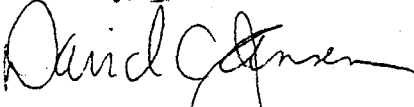
SPRINGFIELD – 4500 S. Sixth Street Rd., Springfield, IL 62706 – (217) 786-6892 • COLLINSVILLE – 2009 Mall Street, Collinsville, IL 62234 – (618) 346-5120

MARION – 2309 W. Main St., Suite 116, Marion, IL 62959 – (618) 993-7200

March 18, 2003
Mr. Doug Carrico
Page 2

Questions regarding this matter should be directed to Jan Mier at 217/786-6892. Written communications should be directed to Jan Mier at 4500 South Sixth Street Road Springfield, IL 62706 and all communications shall include reference to your Violation Notice Number, L-2002-01430.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Jansen", written over a horizontal line.

David C. Jansen
Springfield Region Manager
Field Operations Section
Division of Land Pollution Control

DCJ/JEM/rr(G:\jem\carrico auto heap.doc)

cc: DLPC/Division File
DLPC/FOS - Springfield Region

Illinois EPA,

April 7, 2003

Enclosed are the receipts from the disposal of tires and trash that I have received since my last letter to you. There are still a number of tires yet to dispose of which I will continue to attend to till they are all gone. I had hoped to have the disposal completed by now but there always seems to be more than anticipated. As I stated though, I will continue to have the remaining tires hauled off as quickly as possible. If an estimate of 1500 tires is in any way close to the actual number that is still here and if I can dispose of 500 per month then I believe in July sometime I can have the disposal completed.

Thank You,
Douglas S. Carrico

Douglas S Carrico

Violation Notice Number's

L - 2002 - 01430

L - 2002 - 01432



SITE	TICKET	GRID
01	010014	
WEIGHMASTER		
BARRENE		
DATE IN	TIME IN	
10 MAR 1970	11:15 AM	
DATE OUT	TIME OUT	

[illegible]

REFERENCE	ORIGIN
	ALABAMA

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

[illegible]

SIGNATURE _____

PRINTED ON RECYCLED PAPER

FOR THE LANDFILL
100 CRYSTAL LAKE
BRASSVILLE TN



100000

CASH ACCOUNT

CASH WITH CASH RATE

SITE	TICKET	GRID
01	011107	
WEIGHMASTER		
DAPLENE		
DATE IN	TIME IN	
22 February / 2006	3:55 pm	
DATE OUT	TIME OUT	

REFERENCE	ORIGIN
	ILLINOIS

VEHICLE	ROLL OFF
08471	

Gross Weight 15,120.00 LBS
Tare Weight 11,120.00 LBS
Net Weight 4,000.00 LBS @ 1.15 = \$4,600.00
Include - SCALE FEE

QTY.	DESCRIPTION	AMOUNT
1.15	15' LISS TARE	\$4,600.00

NET AMOUNT
TENDERED
CHANGE

PRINT DRIVERS NAME _____

SIGNATURE _____

PRINTED ON RECYCLED PAPER

533185

CUSTOMER'S ORDER NO.		DATE	
		4-2-03	
NAME			
CARICO			
ADDRESS			
CITY, STATE, ZIP			
SOLD BY	CASH	C.O.D.	CHARGE
ON ACCT.	MDSE	PAID OUT	
	RETD.		
QUAN.	DESCRIPTION		AMOUNT
1	400	Tire Disp	400.00
2			
3			
4			
5			
6		TRANSPORT	
7		# T 7230	
8			
9			
10			
11			
12			
RECEIVED BY			
Charles W. Wane			

KEEP THIS SLIP FOR REFERENCE

3705

533184

CUSTOMER'S ORDER NO.		DATE	
		3-20-03	
NAME			
CARICO			
ADDRESS			
CITY, STATE, ZIP			
SOLD BY	CASH	C.O.D.	CHARGE
ON ACCT.	MDSE	PAID OUT	
	RETD.		
QUAN.	DESCRIPTION		AMOUNT
1	400	Tire Disp	400.00
2			
3			
4			
5		TRANSPORT	
6		# T 7250	
7			
8			
9			
10			
11			
12			
RECEIVED BY			
Charles W. Wane			

KEEP THIS SLIP FOR REFERENCE

3705



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

May 2, 2003

Mr. Doug Carrico
1929 Carrico Road
Kane, IL 62054

Re: LPC #0618115004 – Greene County
Kane/Carrico, Donna
Compliance File

LPC #0618115003 – Greene County
Kane/Carrico's Auto Heap
Compliance File

Dear Mr. Carrico:

The Illinois Environmental Protection Agency ("Illinois EPA") received your letter dated April 7, 2003. Since the tires have not been removed before mosquito season began, you must either drain and prevent all tires from accumulating water or treat them with a larvacide designed to kill mosquito larvae. A list of three companies that supply this product is enclosed. If Culex mosquito larvae are found at your site, you will be in violation of the Illinois Environmental Protection Act and the applicable regulations.

Questions regarding this matter should be directed to Jan Mier at 217/786-6892. Written communications should be directed to Jan Mier at 4500 South Sixth Street Road, Springfield, IL 62706, and all communications shall include reference to your Violation Notice Number, L-2002-01432.

Sincerely,

David C. Jansen
Springfield Region Manager
Field Operations Section
Division of Land Pollution Control

DCJ/JEM/m(U:\jem\carrico, doug.doc)

Enclosure

cc: DLPC/Division File
DLPC/FOS - Springfield Region

Johnnie J. Jones Jr. - 217-782-1540

Johnnie J. Jones Jr. - 217-782-1540

Johnnie J. Jones Jr. - 217-782-1540

Johnnie J. Jones Jr. - 217-782-1540

Johnnie J. Jones Jr. - 217-782-1540

Johnnie J. Jones Jr. - 217-782-1540

Johnnie J. Jones Jr. - 217-782-1540

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Tire Disposal Site Inspection Checklist

County: GREENE LPC#: 0618115003 Region: 5 - Springfield
 City/Facility Name: KANE/CARRICOS AUTO HEAP
 Facility Location: 19290 CARRICOS ROAD, KANE, IL Telephone: 618.535-4708
 Date: 6/2/03 Time: From 11:20 To 11:45 Previous Inspection Date: 12/5/02
 Inspector(s): JAN MIER No. of Photos Taken: # 9
 Weather 70 F, SUNNY No. of Samples Taken: 0
 Interviewed: DOUG CARRICO Complaint #: C-02-111-C
 Owner: _____ Operator: _____

700

Estimated Number of Used Tires Located At This Facility

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"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE	<input checked="" type="checkbox"/>
6. 21(d)	CONDUCT A WASTE-STORAGE, TREATMENT, OR DISPOSAL OPERATION:	
(1)	without a permit granted by the Agency Note: cite only at tire disposal sites where tires are <u>first</u> disposed after 1/1/92. Also Mark 848.501(c), and 812.101(a) in <input type="checkbox"/> Other Requirements <input type="checkbox"/> . Also cite when other <u>off-site generated</u> waste has been disposed	<input type="checkbox"/>
(2)	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"/>
7. 21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE EXCEPT AT A SITE WHICH MEETS THE REQUIREMENTS OF THIS ACT AND REGULATIONS. Note: Also Mark appropriate Violations of Part 848	<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"/>
9. 55(a)	NO PERSON SHALL:	

LPC #:

Date:

	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
	(5)	Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property	<input checked="" type="checkbox"/>
	(6)	Fail to submit required reports or tire removal agreements	<input checked="" type="checkbox"/>
10.	55(c)	FAILURE TO FILE THE REQUIRED NOTIFICATION WITH THE AGENCY BY 1/1/90 OR WITHIN 30 DAYS OF COMMENCEMENT OF THE DISPOSAL ACTIVITY.	<input checked="" type="checkbox"/>
11.	55(d)(2)	CAUSING OR ALLOWING THE OPERATION OF A TIRE DISPOSAL SITE WITHOUT SUBMITTING, AND RECEIVING WRITTEN APPROVAL OF, A TIRE REMOVAL AGREEMENT, OR HAVING ENTERED INTO A CONSENSUAL REMOVAL AGREEMENT.	<input checked="" type="checkbox"/>
12.	55(e)	CAUSE OR ALLOW THE DISPOSAL 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"/>
13.	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"/>
14.	55(g)	NO PERSON SHALL 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"/>
15.	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"/>
16.	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"/>
17.	55(j)	FAILURE TO COMPLY WITH THE TERMS OF A TIRE REMOVAL AGREEMENT.	<input type="checkbox"/>
18.	55.4	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: a) <input type="checkbox"/> Minimizes the need for further maintenance b) <input type="checkbox"/> Removes all used and waste tires and any residues therefrom; and c) <input type="checkbox"/> Protects human health during the removal and post removal periods. Note: Also Mark a Violation of 848.502	<input type="checkbox"/>
PART 848: SUBPART B: MANAGEMENT STANDARDS			
19.	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 type="checkbox"/>
	(2)	NOT Accumulate Any Used or Waste Tire in Any Area Located Outside of Any Building Unless the Accumulation is Separated from All Buildings, Whether on or off the Site, by 25 Feet	<input type="checkbox"/>
	(3)	NOT Place On or Accumulate Any Used or Waste Tire in Any Pile Which is Less than 250 Feet from any Potential Ignition Source, including Cutting and Welding Devices, and Open Fires Unless All Such Activities are Carried Out Within A Building	<input type="checkbox"/>
	(4)	Drain Any Used or Waste Tire on the Day of Generation or Receipt	<input type="checkbox"/>
	(6)	NOT Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property in Illinois	<input checked="" type="checkbox"/>
	(7)	NOT Accept Any Used or Waste Tires from a Vehicle in Which More than 20 Tires Have Been Loaded Unless the Vehicle Displays a Tire Transporter Placard.	<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"/>

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Date:

20.	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 848.203	<input checked="" type="checkbox"/>
	(2)	Meet the Record keeping requirements of Part 848 Subpart C Note: Also Mark a Violation of Subpart C	<input checked="" type="checkbox"/>
	(3)	Maintain waste tire piles separated from grass, weeds, brush, over-hanging tree limbs, and similar vegetative growth by no less than 50 feet.	<input type="checkbox"/>
21.	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 COMPLY WITH THE FOLLOWING:	
	(2)	The entrance shall be controlled at all times by an attendant, locked entrance, television monitors, controlled roadway access or other equivalent mechanisms.	<input type="checkbox"/>
22.	848.203	CONTINGENCY PLAN REQUIREMENTS FOR DISPOSAL SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of 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 provisions 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 emergency coordinator 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 AT TIRE DISPOSAL SITES			
23.	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"/>
24.	848.204(b)	STORAGE OF LESS THAN 500 TIRES WITHIN A BUILDING ALLOWED IF: (1) <input type="checkbox"/> Tires Drained of All Water Prior to Placement in the Building (2) <input type="checkbox"/> All of the Building's Windows and Doors Maintained in Working Order and Secured to Prevent Unauthorized Access. (3) <input type="checkbox"/> The Building Is Maintained So That it Is Fully Enclosed and Has a Roof and Sides Which Are Impermeable to Precipitation (4) <input type="checkbox"/> The Storage of Used or Waste Tires Is not in a Single Family Home or a Residential Dwelling	<input type="checkbox"/>
25.	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 checked="" type="checkbox"/> considering the type of building to be used for the tire storage. (B) <input checked="" type="checkbox"/> the plan shall include, but not be limited to, tire storage arrangement; aisle space; clearance distances between tire piles and sprinkler deflectors; and access to fire fighting personnel and equipment (C) <input checked="" type="checkbox"/> a copy of the plan shall be filed with the Agency within 60 days of and implemented within 14 days of filing with the Agency.	<input checked="" type="checkbox"/>

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	(2)	Have and maintain a contingency plan which meets the requirements of Section 848.203	<input checked="" type="checkbox"/>
	(3)	Meet the record keeping and reporting requirements of Subpart C Note: Also Mark a Violation of Subpart C	<input checked="" type="checkbox"/>
26.	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			
27.	848.205	OWNERS OR OPERATORS OF TIRE DISPOSAL 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"/>
28.	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 Disposal Sites with 500 or more Used or Waste Tires			
29.	848.302(a)	The owner/operator shall keep on site a: (1) <input checked="" type="checkbox"/> Daily Tire Record (2) <input checked="" type="checkbox"/> Annual Tire Summary	<input checked="" type="checkbox"/>
30.	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"/>
31.	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"/>
32.	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 tires received	<input type="checkbox"/>
	(b)(2)	The weight or volume of tires transported from the site	<input type="checkbox"/>
	(b)(4)	The weight or volume of used or waste tires combusted during the calendar year	<input type="checkbox"/>
33.	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input type="checkbox"/>
34.	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 disposed 50 or more used or waste tires, and which do not have written approval of a tire removal agreement, per 848.208			
35.	848.400(b)(1)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR AFTER 1/1/92, FAILURE TO COMPLY WITH SUBPART D PRIOR TO DISPOSING ANY USED OR WASTE TIRES Note: Also Mark a Violation of 848.401 or 848.404	<input checked="" type="checkbox"/>

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Date:

36.	848.400(h)(2)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE DISPOSED 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"/>
37.	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 checked="" type="checkbox"/>
38.	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"/>
39.	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL USED OR WASTE TIRES.	<input checked="" type="checkbox"/>
40.	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
PART 848: SUBPART E: TIRE REMOVAL AGREEMENTS			
41.	848.501(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR BEFORE 1/1/92, THE OWNER/OPERATOR SHALL OBTAIN BY 1/1/92 WRITTEN APPROVAL FROM THE AGENCY OF A TIRE REMOVAL AGREEMENT SUBMITTED PURSUANT TO THIS SUBPART.	<input checked="" type="checkbox"/>
42.	848.501(c)	FAILURE TO FIRST OBTAIN A LANDFILL PERMIT FROM THE AGENCY FOR TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92.	<input type="checkbox"/>
43.	848.502	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: (a) <input type="checkbox"/> Minimizes the need for further maintenance (b) <input type="checkbox"/> Removes all used and waste tires and any residues therefrom; and (c) <input type="checkbox"/> Protects human health during the removal and post removal periods.	<input type="checkbox"/>
44.	848.506(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92, THE OWNER/OPERATOR SHALL SUBMIT A PROPOSED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER RECEIPT OF THE KNOWN FINAL VOLUME OF USED TIRES.	<input type="checkbox"/>
45.	848.506(b)	THE OWNER OPERATOR SHALL BEGIN REMOVAL OF USED AND WASTE TIRES IN ACCORDANCE WITH THE APPROVED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER WRITTEN AGENCY APPROVAL, UNLESS THE TIRE REMOVAL AGREEMENT SPECIFIES OTHERWISE	<input type="checkbox"/>
PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS			
46.	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"/>
47.	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"/>
48.	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"/>
49.	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"/>

LPC #:
Date:

OTHER REQUIREMENTS			
50.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
51.		APPARENT VIOLATION OF: <input type="checkbox"/> PCB; CASE NUMBER: <input type="checkbox"/> CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
52.			<input type="checkbox"/>

Signature of Inspector(s)

Jan Mier

Informational Notes:

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G, Chapter I, Subchapter m, Part 848.
4. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in the references listed in #1, #2, and #3 above.
5. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
6. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
7. Items marked with an "NE" were not evaluated at the time of this inspection.

**Illinois Environmental Protection Agency
Inspection Narrative**

LPC#0618115003 – Greene County
Kane/Carricos Auto Heap
Inspection Date – 12/05/02
FOS File

On June 2, 2003, I conducted a re-inspection of the above-referenced site. The property is an old salvage yard that is closing and the owner, Doug Carrico, is in the process of cleaning up the site. A Non-Compliance Advisory letter was sent to Mr. Carrico on July 24, 2002, allowing Mr. Carrico to enter into a Consensual Removal Agreement with the Illinois EPA. Mr. Carrico signed the Agreement and Branna LLC, an Illinois EPA contractor, removed approximately 1,000 tires on October 26, 2002.

I arrived at 11:20 p.m. There were still about 700 tires on site. Approximately 300 off rim car tires were located in a shed on site (see photo #003). Another large pile of about 300 tires was located in the yard (see photo #006) and another 100 tires were scattered throughout the yard (see photo #001).

There are still about a dozen vehicles (see photo #008) and vehicle parts open dumped on the property. Oil stained ground was also observed (see photo #004, #005 and photo #009).

I departed at 11:45 a.m.

Violations observed at the time of the inspection are noted on the attached checklist.

LPC/FOS – Springfield Region

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

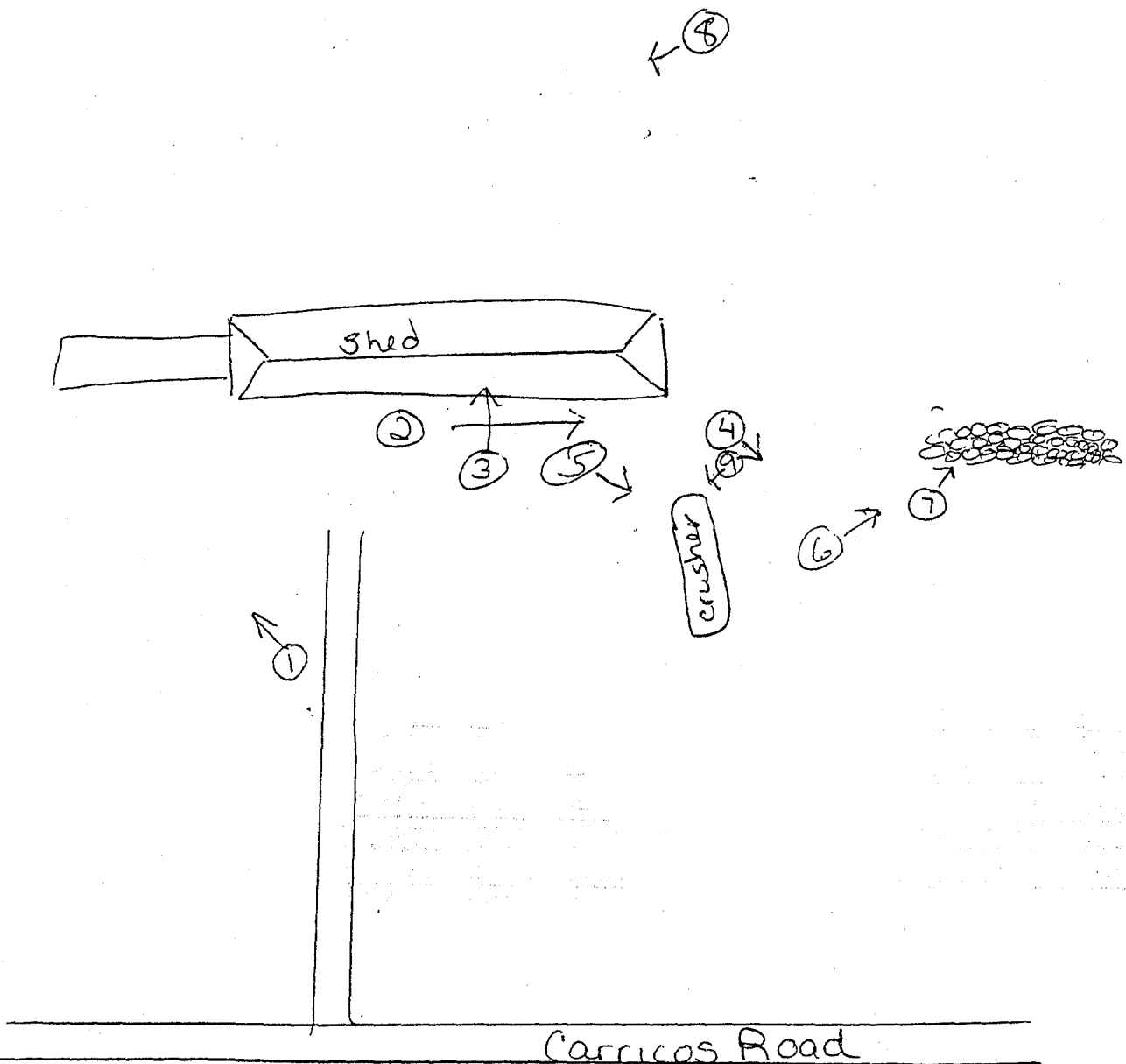
SITE SKETCH

Date of Inspection: 6/2/03
Site Code: LPC#0618115003
Site: Kane/Carricos Auto Heap

Inspector: Jan Mier
County: Greene
Time: 11:20 a.m. - 11:40 a.m.

Measurements Approximate
Direction of Photo →
Not to Scale

NORTH





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

June 12, 2003

Mr. Doug Carrico
1929 Carrico Road
Kane, IL 62054

Re: LPC#0618115004 - Greene County
Kane/Carrico, Donna
Compliance File

LPC #0618115003 - Greene County
Kane/Carrico's Auto Heap
Compliance File

Dear Mr. Carrico:

The above-referenced sites were re-inspected by Jan Mier of the Illinois Environmental Protection Agency ("Illinois EPA") on June 2, 2003. Violations were still observed at each site. Enclosed are Ms. Mier's inspection reports.

Per the telephone conversation you had with Ms. Mier, an extension to the compliance deadline has been given until July 1, 2003. Immediately submit copies of receipts for tires that have been disposed since February 13, 2003 and for the mosquito larvaecide you purchased to treat the tires. If final cleanup has not been completed by July 1, 2003, enforcement action, including monetary penalties, may result.

Questions regarding this matter should be directed to Ms. Mier at 217/786-6892. Written communications should be directed to Jan Mier at 4500 South Sixth Street Road, Springfield, IL 62706, and all communications shall include reference to your Violation Notice Number, L-2002-01432.

Sincerely,

David C. Jansen
Springfield Region Manager
Field Operations Section
Division of Land Pollution Control

DCJ/JEM/jg/(U:\jem\carrico, doug.doc)

Enclosure

cc: DLPC/Division File
DLPC/FOS - Springfield Region

6/30/03

IL. EPA,

I had an agreement with Charles W. (transport # T7230) to remove the remaining tires. I was not aware that his license had been revoked by you. I found this out June 26, 03. Had I known that you had taken Charles' license I would have already made other arrangements. As soon as I can get in touch with another tire disposer the removal will begin again. As for the other problems, I will be taking care of them as well shortly. I had been laid off for some time from my job and things have been quite a struggle, however I have just started a new job last week so I should be able to remove at least 400 tires per month until they are all gone.

Enclosed please find the receipts you requested:

3 - Tire receipts

1 - Larvacide receipt

L - 2002 - 01432

MUG-A-BUG
 Chemicals • Equipment • Service
 Rt. 51 North P.O. Box 117
 FORSYTH, ILLINOIS 62535
 (217) 875-3303

SOLD BY		DATE 5-22-03	
NAME CARRICO AUTO			
ADDRESS 19291 CARRICO RD			
CITY KANE, IL 62054			
<input type="checkbox"/> CASH	<input type="checkbox"/> CHARGE	<input type="checkbox"/> MDSE. RETD.	PREVIOUS BALANCE
<input type="checkbox"/> C.O.D.	<input type="checkbox"/> PAID OUT	<input type="checkbox"/> PD. ON ACCT.	
1	40# TEKNAR	92	00
	TAX	62	1
	50H	11	82
		110	03
Pd ck # 9768			
Thank You!		RECEIVED BY	

PRODUCT 350

533186

CUSTOMER'S ORDER NO.		DATE 4-16-03	
NAME Carrico			
ADDRESS			
CITY, STATE, ZIP			
SOLD BY	CASH	C.O.D.	CHARGE
ON ACCT.	MDSE RETD.	PAID OUT	
QUAN.	DESCRIPTION		AMOUNT
1	400	Tire Disp	400.00
2			
3			
4			
5			
6			
7			
8			
9			
10			
11		TOTAL	400.00
12			
RECEIVED BY Charles Warren			

KEEP THIS SLIP FOR REFERENCE

3705



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

July 9, 2003

Mr. Doug Carrico
1929 Carrico Road
Kane, IL 62054

Re: LPC #0618115004 – Greene County
Kane/Carrico, Donna
Compliance File

LPC #0618115003 – Greene County
Kane/Carrico's Auto Heap
Compliance File

Dear Mr. Carrico:

The Illinois EPA received your letter on July 2, 2003, with a request for another extension to your compliance deadline. Also enclosed were disposal receipts and a receipt for mosquito larvicide. A list of commercial tire haulers is enclosed, if you have not found a new tire hauler.

According to the last inspection conducted at both sites, the total number of tires equals approximately 1,200 tires. If you remove 400 tires per month, you will be finished by September 30, 2003. This will be your new compliance deadline.

Ms. Mier may conduct brief inspections to ensure mosquitoes are not breeding in the tires and to evaluate the ongoing tire removal.

Questions regarding this matter should be directed to Ms. Mier at 217/786-6892. Written communications should be directed to Jan Mier at 4500 South Sixth Street Road, Springfield, IL 62706, and all communications shall include reference to your Violation Notice Number. L-2002-01432.

Sincerely,

David C. Jansen
Springfield Region Manager
Field Operations Section
Division of Land Pollution Control

DCJ/JEM/rtr/(U:\jem\carrico, doug.doc)

Enclosure

cc: DLPC/Division File
DLPC/FOS - Springfield Region

STATEMENT

DATE _____

8/13/03

TO

Carrico Auto

Long Carriers

TERMS

IN ACCOUNT WITH	
-----------------	--

~~LONS TIRE RECYCLERS~~

RR #4 Box 15

~~Petersburg, IL 62675~~

#T8707

400	x	\$1.00
-----	---	--------

\$400.00

CK# 9815

\$400.00

STATEMENT

366720

DATE

9/13/03

TO

Doug Carrizo

Carrizo Auto Leasing

TERMS

IN ACCOUNT WITH

LONS TIRE RECYCLERS

RR #4 Box 15

Petersburg, IL 62675

#T8707

400

JUNK Tires m Rm

\$

400.00

400.00