

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
)
 Complainant,)
)
 v.)
)
 JAMES and BETTY SPILLER,)
 SAUL CRUZ d/b/a THE MAGIC OF)
 REPAIR)
)
 Respondents.)

AC 2019-
 (IEPA No. 17-19-AC)

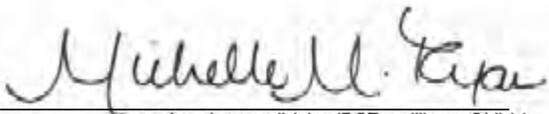
NOTICE OF FILING

To: James and Betty Spiller
 912 Monroe Avenue
 Winthrop Harbor, IL 60096-1537

Saul Cruz
 The Magic of Repair
 2101 Galilee
 Zion, IL 60099

PLEASE TAKE NOTICE that on this date I electronically filed 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,



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
 Assistant Counsel

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

Dated: February 7, 2019

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 17-19-AC)
)	
JAMES and BETTY SPILLER,)	
SAUL CRUZ d/b/a THE MAGIC OF)	
REPAIR)	
)	
Respondents.)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2016).

FACTS

1. That James and Betty Spiller are the present owners and Saul Cruz is the operator of a property located at 2101 Galilee Avenue, Zion, Lake County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Zion/Magic of Repair.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0972005152.
3. That Respondents have operated said facility at all times pertinent hereto.

4. That on January 8, 2019, Donna Shehane of the Illinois Environmental Protection Agency's Des Plaines 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 Donna Shehane during the course of her January 8, 2019 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2016).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2016), Respondents are jointly and severally subject to civil penalties of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$1,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalties specified above shall be due and payable no later than April 15, 2019 unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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 (2016), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents 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) (2016), if Respondents fail to petition or elect 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, Respondents' 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2016). If Respondents elect to contest this Administrative Citation, then Respondents shall file a 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.



John J. Kim, Acting Director
Illinois Environmental Protection Agency

Date : 2/7/19

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

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 173-18-AC)
)	
JAMES and BETTY SPILLER,)	
SAUL CRUZ d/b/a THE MAGIC OF)	
REPAIR)	
)	
Respondents.)	

FACILITY: Zion/Magic of Repair	SITE CODE NO.:	0972005152
COUNTY: Lake	CIVIL PENALTY:	\$1,500.00
DATE OF INSPECTION: January 8, 2019		

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

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

Bureau of Land – Field Operations Section

Evaluation Report**General Facility Information**

BOL ID:	0972005152	Region:	Des Plaines
USEPA ID:	Not Applicable	County:	Lake
Site Name:	Magic of Repair	Phone:	Not Available
Address:	2101 Galilee Ave	Latitude:	42.45703
City/State/Zip:	Zion, IL 60099	Longitude:	-87.84454
Permit No(s):	None		
Regulated As:	Used Tire Storage Facility		
Operational Status:	Operating		

Owner	Operator
James & Betty Spiller 912 Monroe Ave Winthrop Harbor, IL 60096	The Magic of Repair Attention: Mr. Saul Cruz 2101 Galilee Zion, IL 60099

Evaluation Details

Evaluation Type	Used Tire Storage
Evaluation Date	1/8/2019
Inspector(s)	Shehane, Donna
Person(s) Interviewed	None
Previous Inspection Date	8/17/2018

Observations

Time	10:05 - 10:15
Weather Conditions (Description)	NW winds @ 8 mph
Temperature (°F)	40
Samples Collected (Yes/No)	No
Number of Samples Collected (Count)	NA
Photos Taken (Yes/No)	Yes
Amount of Waste (Cubic Yards)	NA
Number of Tires (Count)	250

Executive Summary

On January 8, 2019, I (Donna Shehane) conducted a second follow-up inspection at The Magic of Repair, located at 2101 Galilee, Zion, Illinois 60099. This facility received a Used Tire Administrative Citation Warning Notice after a June 8, 2018 inspection revealed the following apparent violations: causing or allowing water accumulation in used tires; failing to collect the tire user fee from customers; failure to submit the tire user fees to the Illinois Department of Revenue; and failure to maintain tire tracking/disposal receipts on site.

The site was reinspected on August 17, 2018, at which time water accumulation was again observed in used tires. A Continuing Violation Notice was issued pursuant to this inspection.

On January 8, 2019, water accumulation was again observed in on-site used tires.

Evaluation Narrative

I arrived on site at approximately 10:05 am. No one was present at the facility. I took photo # 1 to the south of used tires stored/stacked outside without cover, and within 50' of a building. Upon closer examination, I observed water accumulation in some of the used tires and I took photos # 2 and # 3 of this. A little further to the east, I took photos # 4, # 5, and # 6 of used tires on the ground also containing water. Photo # 7 depicts other used tires inside a trailer on site.

Apparent violations of Sections 55(k)(1), 848.202(a)(1)(B), 55(c), and 55(e) were found to be continuing during this inspection.

Summary of Apparent Violation(s)

Status	Date Cited	Violation	Narrative
Continuing	8/17/2018	55(k)(1)	Cause or allow water to accumulate in used or waste tires
Continuing	8/17/2018	848.202(a)(1)(B)	848.202 Requirements a) Owners and operators of any site at which more than 50 used or waste tires are located at any one time must comply with the following requirements: 1) No used or waste tires shall be placed or accumulated outside of a building or fully enclosed container, unless the used or waste tires are placed on or accumulated in a storage pile that is separated from: B) all buildings, whether on or off site, by a firebreak that is not less than 50 feet wide;
Continuing	6/8/2018	55(c)	Any person who sells new or used tires at retail or 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.

Electronic Filing: Received, Clerk's Office 2/07/2019 **AC 2019-018**

Continuing	6/8/2018	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.
------------	----------	-------	--

Attachment Listing

ID	Type	Description
No Attachments		

Digital Photographs



Site: Magic of Repair
(0972005152)
Lake County

Photo ID: 1
Photo Date: 1/8/2019
Photo Time: 10:10:27
Direction: S
Taken By: Donna Shehane

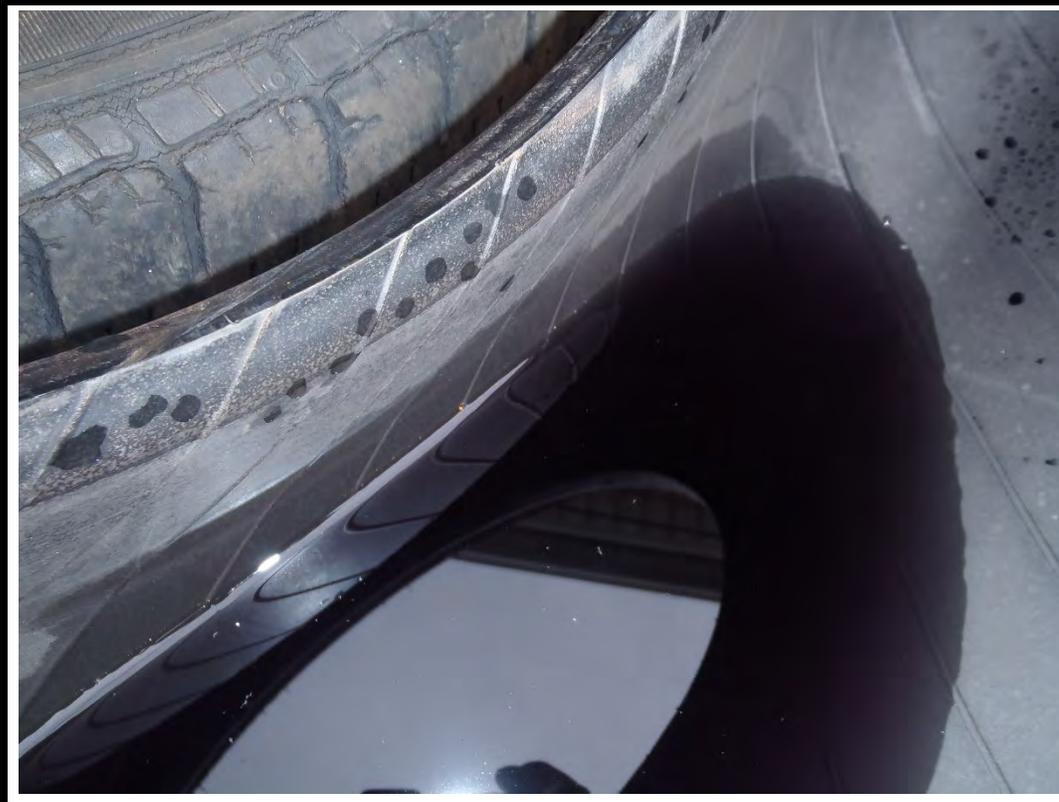
Used tires stacked outside
without cover



Site: Magic of Repair
(0972005152)
Lake County

Photo ID: 2
Photo Date: 1/8/2019
Photo Time: 10:10:37
Direction: S
Taken By: Donna Shehane

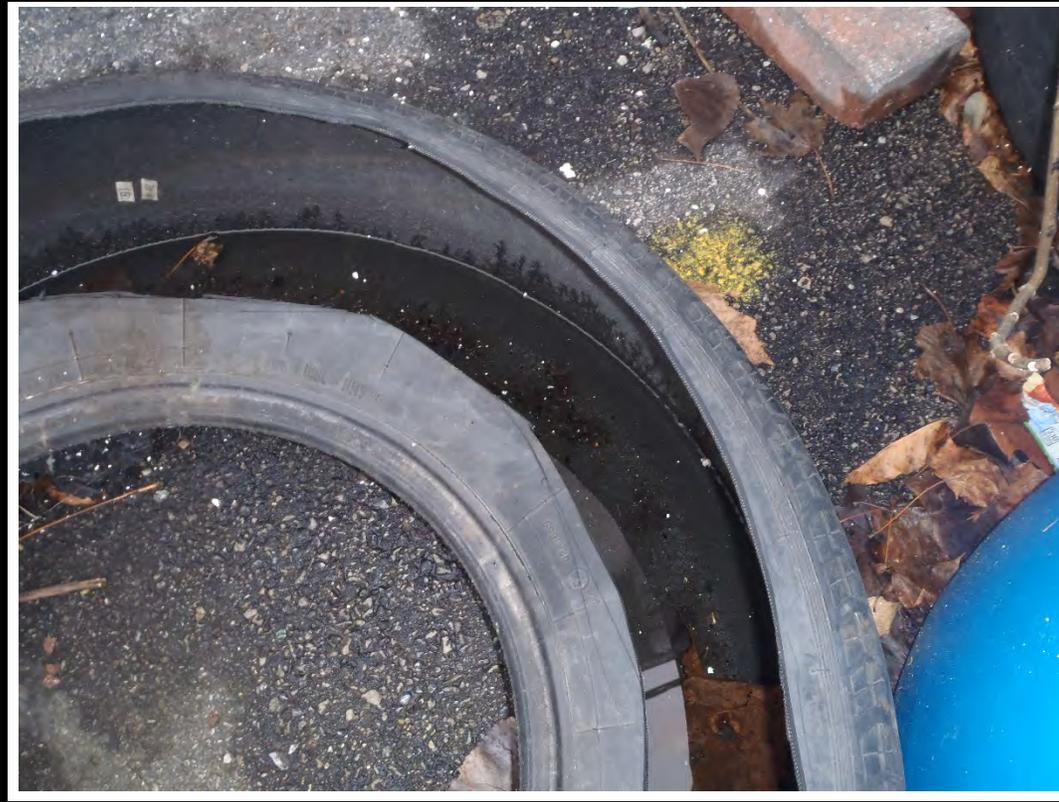
Water accumulation in used
tire



Site: Magic of Repair
(0972005152)
Lake County

Photo ID: 3
Photo Date: 1/8/2019
Photo Time: 10:10:46
Direction: S
Taken By: Donna Shehane

Water accumulation in used
tire



Site: Magic of Repair
(0972005152)
Lake County

Photo ID: 4
Photo Date: 1/8/2019
Photo Time: 10:11:07
Direction: S
Taken By: Donna Shehane

Water accumulation in used
tire



Site: Magic of Repair
(0972005152)
Lake County

Photo ID: 5
Photo Date: 1/8/2019
Photo Time: 10:11:12
Direction: S
Taken By: Donna Shehane

Water accumulation in used
tire



Site: Magic of Repair
(0972005152)
Lake County

Photo ID: 6
Photo Date: 1/8/2019
Photo Time: 10:11:17
Direction: S
Taken By: Donna Shehane

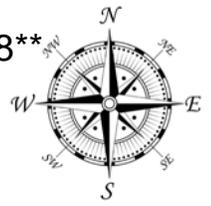
Water accumulation in used
tire



Site: Magic of Repair
(0972005152)
Lake County

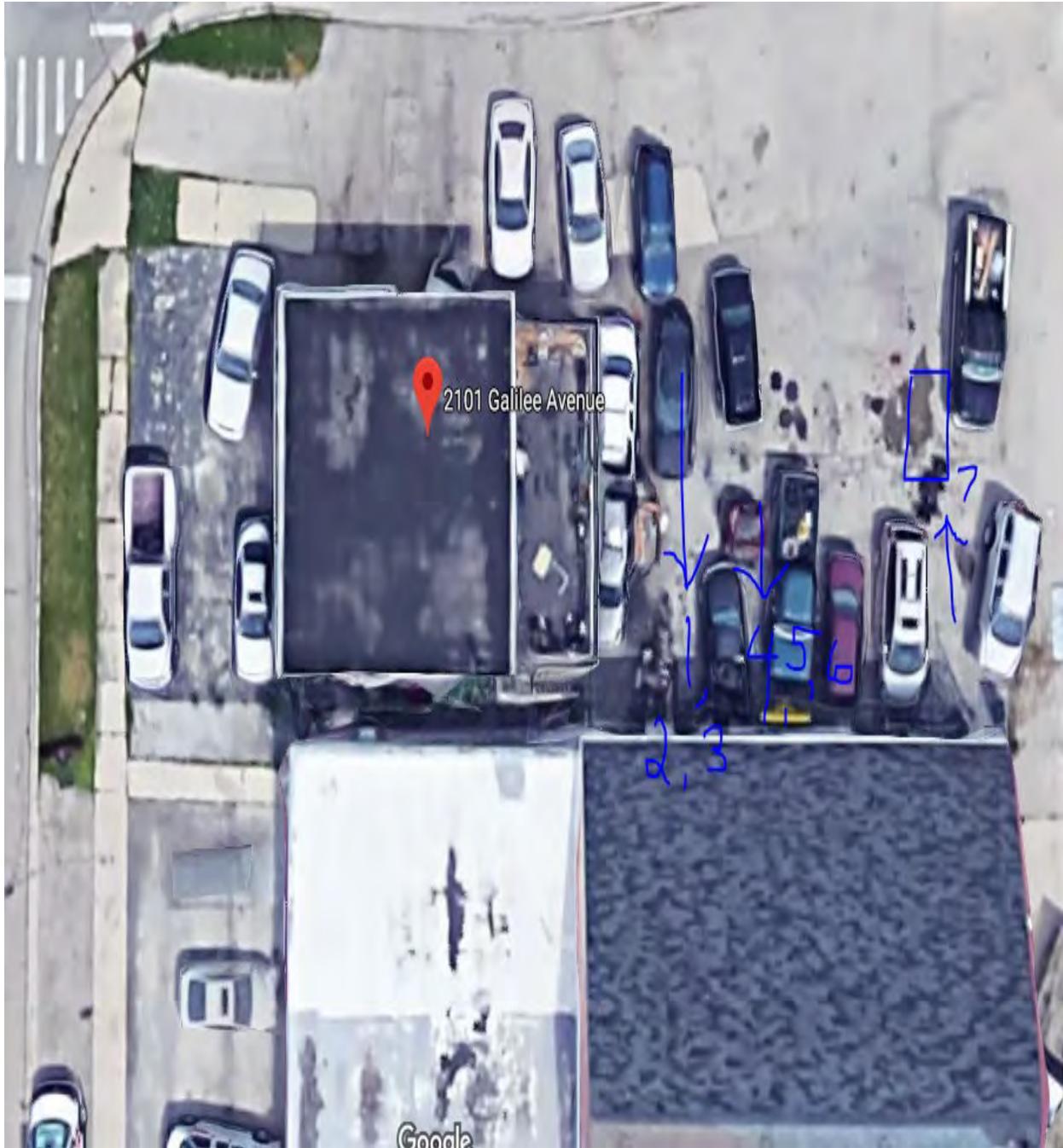
Photo ID: 7
Photo Date: 1/8/2019
Photo Time: 10:11:31
Direction: S
Taken By: Donna Shehane

Used tires inside truck



Site Diagram(s)

Site Diagram 1: January 8, 2019 • Magic of Repair (0972005152) • Lake County



Indicates photo # and direction

PROOF OF SERVICE

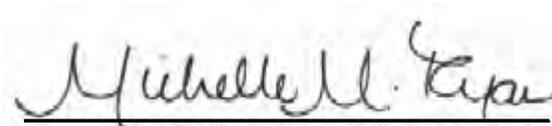
I hereby certify that I did on the 7th day of February, 2019, serve by Certified Mail, Return Receipt Requested, with postage thereon prepaid, by depositing in a United States Post Office box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: James and Betty Spiller
912 Monroe Avenue
Winthrop Harbor, IL 60096-1537

Saul Cruz
The Magic of Repair
2101 Galilee
Zion, IL 60099

and the original via electronic filing on February 7, 2019

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



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Assistant Counsel

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