



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

John J. Kim, Interim Director

RECEIVED
CLERK'S OFFICE

NOV 23 2011

STATE OF ILLINOIS
Pollution Control Board

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

November 17, 2011

AC12-17

ORIGINAL

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

Re: Illinois Environmental Protection Agency v. Loves Park Auto Parts Company
IEPA File No. 355-11-AC; 2010305330—Winnebago County

Dear Mr. Therriault:

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

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

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

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
NOV 23 2011
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LOVES PARK AUTO PARTS COMPANY,)
)
Respondent.)

AC 12-17
(IEPA No. 355-11-AC)

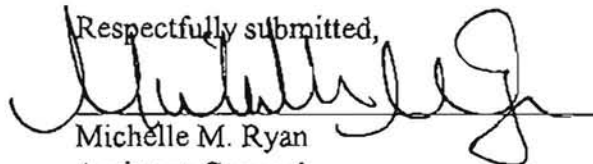
ORIGINAL

NOTICE OF FILING

To: Loves Park Auto Parts Co.
Attn: Steven Jack
9902 N. Second Street
Rockford, IL 61115

Thomas A. Jack, Registered Agent
Loves Park Auto Parts Co.
9902 N. Second Street
Rockford, IL 61115

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

Respectfully submitted,

Michelle M. Ryan
Assistant Counsel

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

Dated: November 17, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LOVES PARK AUTO PARTS COMPANY,)
)
)
)
Respondent.)

AC 12-17
(IEPA No. 355-11-AC)

ORIGINAL

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 (2008).

FACTS

1. That Loves Park Auto Parts Company is the current owner and operator ("Respondent") of a facility located at 9902 North 2nd Street, Rockford, Winnebago County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rockford/Loves Park Auto Parts.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 2010305330.

3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on October 4, 2011, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford 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.

5. That on 11-17-11, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2510 0001 85588 4508 & 7004 2510 0001 85588 4572.

VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of her October 4, 2011 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 used tires, at this site, not altered, covered or otherwise prevented from accumulating water, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), 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 December 15, 2011, 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 (2008), 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) (2008), 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 (2008). 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.



John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date: 11/14/2011

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

REMITTANCE FORM

RECEIVED
CLERK'S OFFICE

NOV 23 2011

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LOVES PARK AUTO PARTS COMPANY,)
)
)
)
Respondent.)

AC 12-17
(IEPA No. 355-11-AC)

ORIGINAL

FACILITY: Rockford/Loves Park Auto Parts
SITE CODE NO.: 2010305330
COUNTY: Winnebago
CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: October 4, 2011

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Tire Storage Site Inspection Checklist

ORIGINAL

County: Winnebago LPO#: 2010305330 Region: 1 - Rockford

City/Facility Name: Rockford Loves Park Auto Parts

Facility Location: 9902 North Second Street Rockford, IL 61115 Telephone: 815-633-2121

Date: 10/04/2011 Time: From 11:45 am to 12:10p Previous Inspection Date: 11/29/2010

Inspector(s): Shelene No. of Photos Taken: 15

Weather: 69°F, calm No. of Samples Taken: _____

Interviewed: Mr. Jack Complaint #: _____

Waste Tire Hauler Used: Rockford Tire Recycling Hauler Registration Number: 17583

Responsible Party Mailing Address(es): Loves Park Auto Parts
Attention: Steven Jack
9902 N. Second Street
Rockford, IL 61115

Loves Park Auto Parts
Attention: Thomas Jack, Registered Agent
9902 N. Second Street
Rockford, IL 61115

RECEIVED
CLERK'S OFFICE
NOV 23 2011
STATE OF ILLINOIS
Pollution Control Board

1000

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

SECTION	DESCRIPTION	VIOLATION
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1	21(k) FAIL OR REFUSE TO PAY ANY FEE IMPOSED UNDER THIS ACT	<input type="checkbox"/>
2	55(a)(4) CAUSE OR ALLOW THE OPERATION OF A TIRE STORAGE SITE, EXCEPT IN COMPLIANCE WITH BOARD REGULATIONS Note: Also Mark appropriate Violations of Part 8-18	<input checked="" type="checkbox"/>
3	55(b-1) NO PERSON SHALL KNOWINGLY MIX ANY USED OR WASTE TIRE, EITHER WHOLE OR CUT, WITH MUNICIPAL WASTE	<input type="checkbox"/>
4	55(c) FAILURE TO FILE THE REQUIRED NOTIFICATION WITH THE AGENCY BY 1/1/90 OR WITHIN 30 DAYS OF COMMENCEMENT OF THE STORAGE ACTIVITY.	<input type="checkbox"/>
5	55(d)(1) CAUSE OR ALLOW THE OPERATION OF A TIRE STORAGE SITE WHICH CONTAINS MORE THAN 50 USED TIRES WITHOUT MEETING THE FOLLOWING REQUIREMENTS BY JANUARY 1 OF EACH YEAR: i. Register the Site with the Agency ii. Certify to the Agency that the Site Complies with any Applicable Standards Adopted by the Board Pursuant to Section 55.2 iii. Report to the Agency the Number of Tires Accumulated, the Status of Vector Controls, and the Actions Taken to Handle and Process the Tires iv. Pay the Fee Required under Subsection (b) of Section 55.6	<input type="checkbox"/>
6	55(e) CAUSE OR ALLOW THE STORAGE, DISPOSAL, TREATMENT OR PROCESSING OF ANY USED OR WASTE TIRE IN VIOLATION OF ANY REGULATION OR STANDARD ADOPTED BY THE BOARD. Note: Also Mark appropriate Violations of Part 8-18	<input checked="" type="checkbox"/>
7	55(f) ARRANGE FOR THE TRANSPORTATION OF USED OR WASTE TIRES AWAY FROM THE SITE OF GENERATION WITH A PERSON KNOWN TO OPENLY DUMP SUCH TIRES	<input type="checkbox"/>
8	55(g) ENGAGE IN ANY OPERATION AS A USED OR WASTE TIRE TRANSPORTER EXCEPT IN COMPLIANCE WITH BOARD REGULATIONS Note: Also Mark a Violation of Subpart 1	<input type="checkbox"/>
9	55(h) CAUSE OR ALLOW THE COMBUSTION OF ANY USED OR WASTE TIRE IN AN ENCLOSED DEVICE UNLESS A PERMIT HAS BEEN ISSUED BY THE AGENCY	<input type="checkbox"/>

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

	(5)	NOT Place or Accumulate any Used or Waste Tires in any Tire Storage Unit Unless they meet: (A) <input type="checkbox"/> Tires are separated by a Berm 1.5 times the height of the tire pile (B) <input type="checkbox"/> Separation Requirements of this part.	<input type="checkbox"/>
17	848.202(d)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN 848.202 (b) AND (c), THE OWNER OR OPERATOR AT SITES AT WHICH MORE THAN 10,000 USED OR WASTE TIRES ARE LOCATED SHALL:	
	(1)	Completely Surround the Site by Fencing in Good Repair Which Is Not less than 6 Feet in Height	<input type="checkbox"/>
	(2)	Maintain an Entrance to the Area Where Used or Waste Tires are Located, Which is Controlled At all Times by an Attendant, Locked Entrance, Television Monitors, Controlled Roadway Access or Other Equivalent Mechanism	<input type="checkbox"/>
	(3)	Completely Surround the Area Where Used or Waste Tires Are Stored by an Earthen Berm or Other Structures Not Less Than 2 Feet in Height Capable of Containing Runoff Resulting from Tire Fires, and Accessible by Fire Fighting Equipment, Except that the Owner or Operator Shall Provide a Means for Access through or Over the Berm or Other Structure	<input type="checkbox"/>
18	848.203	CONTINGENCY PLAN REQUIREMENTS FOR STORAGE SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of Section 848.203 Note: Also Mark a Violation of 848.203(b), (c), (d), (e), (f), (g) or (h)	<input type="checkbox"/>
	(b)	The contingency plan must be designed to minimize the hazard to human health and the environment from fires and run-off of contaminants resulting from fires and from disease spreading mosquitos and other nuisance organisms which may breed in water accumulations in used or waste tires.	<input type="checkbox"/>
	(c)	Immediately implement the contingency plan whenever there is a fire or run-off resulting from a fire fire, or whenever there is evidence of mosquito production.	<input type="checkbox"/>
	(d)	The contingency plan must describe the actions that must be taken in response to fires, run-off resulting from tire fires and mosquito breeding in used or waste tires.	<input type="checkbox"/>
	(e)	The contingency plan must include evacuation procedures for site personnel, including signals, evacuation routes and alternate evacuation routes as well as provisions for pesticide application	<input type="checkbox"/>
	(f)	The contingency plan must be maintained at the site and submitted to state and local authorities.	<input type="checkbox"/>
	(g)	The contingency plan must be reviewed and amended within 30 days if the plan fails or the emergency coordinator changes.	<input type="checkbox"/>
	(h)	At all times, there must be one employee on site or on call with responsibility for coordinating emergency response procedures. The emergency coordinator must be familiar with the plan and all aspects of the site and have the authority to commit the resources to carry out the plan.	<input type="checkbox"/>
STORAGE OF USED AND WASTE TIRES WITHIN BUILDINGS			
19	848.204(a)	FAILURE TO MEET THE REQUIREMENTS OF SECTION 848.204 Note: Also Mark a Violation of 848.204(b), (c), or (d)	<input type="checkbox"/>
20	848.204(b)	<u>STORAGE OF LESS THAN 500 TIRES WITHIN A BUILDING ALLOWED IF:</u> (1) <input type="checkbox"/> Tires Drained of All Water Prior to Placement in the Building (2) <input type="checkbox"/> All of the 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"/>
21	848.204(c)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN SECTION 848.204(b), THE OWNER OPERATOR OF A SITE WITH 500 OR MORE USED OR WASTE TIRES STORED WITHIN BUILDINGS SHALL:	<input type="checkbox"/>

	(D)	Develop a tire storage plan in consultation with fire officials meeting the requirements of 848.204 (c)(1) (A) <input type="checkbox"/> considering the type of building to be used for the tire storage (B) <input type="checkbox"/> the plan shall include tire storage arrangement, aisle space, clearance distances between tire piles and sprinkler deflectors, and access to fire fighting personnel and equipment (C) <input type="checkbox"/> a copy of the plan shall be filed with the Agency within 60 days and implemented within 14 days of filing with the Agency	<input type="checkbox"/>
	(E)	Have and maintain a contingency plan which meets the requirements of Section 848.203	<input type="checkbox"/>
	(F)	Meet the record keeping and reporting requirements of Subpart C Note: Also Mark a Violation of Section 848, Subpart C	<input type="checkbox"/>
22	848.204(d)	A BUILDING THAT STORES MORE THAN 10,000 USED OR WASTE TIRES, AND WAS CONSTRUCTED AFTER 5/10/91 FOR THE PRIMARY PURPOSE OF STORING USED OR WASTE TIRES, SHALL COMPLY WITH THE NFPA 231D BUILDING STANDARD	<input type="checkbox"/>
PESTICIDE TREATMENT			
27	848.205	OWNERS OR OPERATORS OF TIRE STORAGE SITES TREATING USED OR WASTE TIRES WITH PESTICIDES PURSUANT TO THIS PART OF TITLE XIV OF THE ACT (SHALL):	
	(A)	Use a Pesticide Labeled for Control of Mosquito Larvae Unless an Adult Mosquito Problem is Identified	<input type="checkbox"/>
	(B)	Maintain a record of pesticide use at the site which shall include for each application (1) <input type="checkbox"/> Date of Pesticide Application (2) <input type="checkbox"/> Number of Used or Waste Tires Treated (3) <input type="checkbox"/> Amount of Pesticide Applied (4) <input type="checkbox"/> Type of Pesticide Used	<input type="checkbox"/>
	(C)	Notify the Agency of Pesticide Use Within 10 Days of Each Application. Notification shall include the information in 848.205(b).	<input type="checkbox"/>
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 Storage Sites with More than 500 Used or Waste Tires			
29	848.302(a)	The owner/operator shall keep on site at: (1) <input type="checkbox"/> Daily Tire Record (2) <input type="checkbox"/> Annual Tire Summary	<input type="checkbox"/>
26	848.303(a)	FAILURE TO MAINTAIN A DAILY TIRE RECORD THAT INCLUDES: <input type="checkbox"/> Day of the Week <input type="checkbox"/> Date <input type="checkbox"/> Agency Site Number <input type="checkbox"/> Site Name and Address	<input type="checkbox"/>
27	848.303(b)	FAILURE TO RECORD IN THE DAILY TIRE RECORD THE FOLLOWING INFORMATION (1) <input type="checkbox"/> Weight or volume of used or waste tires received at the site during the operating day (2) <input type="checkbox"/> Weight or volume of used or waste tires transported from the site and the destination of the tires so transported. (3) <input type="checkbox"/> Total number of used or waste tires remaining in storage at the conclusion of the day. (4) <input type="checkbox"/> Weight or volume of used or waste tires burned or combusted during the day.	<input type="checkbox"/>
28	848.304	FAILURE TO MAINTAIN ON SITE AN ANNUAL TIRE SUMMARY FOR EACH CALENDAR YEAR THAT INCLUDES:	<input type="checkbox"/>
	(a)	The site number, name and address and the calendar year for which the summary applies	<input type="checkbox"/>
	(b)(1)	The weight or volume of used or waste tires received at the site during the calendar year.	<input type="checkbox"/>
	(b)(2)	The weight or volume of used or waste tires transported from the site during the calendar year	<input type="checkbox"/>
	(b)(3)	The total number of used or waste tires determined in PTE remaining in storage at the conclusion of the calendar year	<input type="checkbox"/>

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

EPC -
Date:

43	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
44	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
45	21(a)	CAUSE OR ALLOW OPEN DUMPING <input type="checkbox"/> USED TIRES <input type="checkbox"/> OTHER WASTE	<input type="checkbox"/>
46	21(d)(2)	CONDUCT A WASTE STORAGE OPERATION IN VIOLATION OF ANY REGULATIONS OR STANDARDS ADOPTED BY THE BOARD UNDER THIS ACT Note: Also Mark appropriate Violations of Part 848	<input type="checkbox"/>
47	11(c)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE AT A SITE WHICH DOES NOT MEET THE REQUIREMENTS OF THIS ACT AND REGULATIONS. Note: Also Mark appropriate Violations of Part 848	<input type="checkbox"/>
48	11(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING	
	(1)	Litter	<input 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"/>
49	75(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
	(3)	Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property	<input type="checkbox"/>
OTHER REQUIREMENTS			
50		APPARENT VIOLATION OF: <input type="checkbox"/> PCB CASE NUMBER: <input type="checkbox"/> CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
51	55(k)(1)	No Person Shall: Cause or Allow water to accumulate in used or waste tires.	<input checked="" type="checkbox"/>

Informational Notes:

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

2010305330 – Winnebago County
Rockford/Loves Park Auto Parts

NARRATIVE INSPECTION REPORT DOCUMENT

On October 4, 2011 I (Donna Shehane) conducted an inspection at Loves Park Auto Parts, located at 9902 North 2nd Street, Rockford, Illinois 61115. Agency records indicate that this facility notified the Illinois EPA of its status as a tire-storage site on January 13, 2011 and paid the annual \$100 fee in February of 2011. The last inspection of this site was conducted on November 29, 2010. However, I conducted a site visit on September 20, 2011 during which photos were taken to assist with documentation of violations during this October 4, 2011 inspection. The weather at the time of this inspection was 69 °F with calm winds and partly cloudy skies.

I arrived on site at approximately 11:45 am and explained the reason for this inspection. I then walked through the salvage yard to the storage area for used or waste tires.

Photo # 1 was taken between two buildings on site. These tires were observed to be in heavy vegetation and some were off-rim. Photos # 2 and # 3 reveal water accumulation in some of the used tires. These used tires are the same as that observed during my site visit on September 20, 2011. Photo # 4 was taken of used tires stored outside in a car body. Photo # 5 shows that there is water accumulation in one of the used tires. This is the same tire as was observed 14 days earlier.

I continued walking to the main storage area where I observed approximately 20 off-rim used tires inside a vehicle body (See photo # 6). Water accumulation was observed inside most of these used tires (See photos # 7, # 8, # 9, and # 10). The used tires in this body were the same used tires as observed on September 20, 2011.

Photo # 11 was taken toward the southeast of a pile of used tires in heavy vegetation. Photo # 12 was taken of additional used tires scattered near the south fence of the site. These used tires are the same as observed on September 20, 2011. Photo # 13 and # 14 were taken of water accumulation in a used tire, the same used tire as viewed 14 days earlier. Photo # 15 was taken of the off-rim used tires in the vehicle body.

Loves Park Auto Parts has been reminded several times of the 14-day time limit for storage of used tires before a method to prevent water accumulation is implemented.

Loves Park Auto Parts facility was found to be out of compliance at the time of this inspection. Apparent violations observed:

1. Section 55(a)(4) of the [Illinois] Environmental Protection Act ("Act").
2. Section 55(e) of the Act.
3. Section 848.202(b)(2) of 35 IAC Subtitle G.
4. Section 848.202(b)(5) of 35 IAC Subtitle G.

5. Section 848.202(c)(3) of 35 IAC Subtitle G.
6. Section 55(k)(1) of the Act.

END NARRATIVE BY DONNA SHEHANE

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



State of Illinois
 Environmental Protection Agency
 Site Sketch

Date: 10/04/2011

County: Winnebago

Site Code: 2010305330

Inspector: Shehne

Site Name: Loves Park
 Auto Parts

Time: 11:45 - 12:10
 am pm

NOT TO SCALE
 2010305330 ~ 100411 - 001 - 015
 10/6/2011



DIGITAL PHOTOGRAPHS

File Names: 2010305330~100411



Date: 10/04/2011
Time: 11:49 am
Direction: E
Photo by: Shehane
Exposure #: 001
Comments: used
tires (some off-rim)
located in heavy
vegetation and in
same location as
14 days earlier



Date: 10/04/2011
Time: 11:50 am
Direction: E
Photo by: Shehane
Exposure #: 002
Comments: water
accumulation in
used tire



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

2010305330 — Winnebago County
Rockford/Loves Park Auto Parts
FOS File

DIGITAL PHOTOGRAPHS

File Names: 2010305330~100411



Date: 10/04/2011
Time: 11:50 am
Direction: SE
Photo by: Shehane
Exposure #: 003
Comments: water
accumulation in
used tire



Date: 10/04/2011
Time: 11:52 am
Direction: W
Photo by: Shehane
Exposure #: 004
Comments: used
tires (some off-rim) in
same location as 14
days earlier



DIGITAL PHOTOGRAPHS

File Names: 2010305330~100411



Date: 10/04/2011
Time: 11:52 am
Direction: W
Photo by: Shehane
Exposure #: 005
Comments: water
accumulation in
same used tire as
14 days earlier





Date: 10/04/2011
Time: 11:56 am
Direction: S
Photo by: Shehane
Exposure #: 006
Comments: off-rim
used tires stored in
vehicle body in
same configuration
as 14 days earlier



DIGITAL PHOTOGRAPHS

File Names: 2010305330~100411

	<p>Date: 10/04/2011 Time: 11:56 am Direction: NE Photo by: Shehane Exposure #: 007 Comments: water accumulation in used tires after 14 days</p>
	<p>Date: 10/04/2011 Time: 11:57 am Direction: NE Photo by: Shehane Exposure #: 008 Comments: water accumulation in used tires after 14 days</p>



DIGITAL PHOTOGRAPHS

File Names: 2010305330~100411



Date: 10/04/2011
Time: 11:57 am
Direction: E
Photo by: Shehane
Exposure #: 009
Comments: water
accumulation in
used tires after 14
days



Date: 10/04/2011
Time: 11:57 am
Direction: E
Photo by: Shehane
Exposure #: 010
Comments: water
accumulation In
used tires after 14
days



DIGITAL PHOTOGRAPHS

File Names: 2010305330~100411



Date: 10/04/2011
Time: 11:59 am
Direction: SE
Photo by: Shehane
Exposure #: 011
Comments: off-rim
used tires



Date: 10/04/2011
Time: 12:01 pm
Direction: S/SW
Photo by: Shehane
Exposure #: 012
Comments: same
used tires as
observed 14 days
earlier



DIGITAL PHOTOGRAPHS

File Names: 2010305330~100411



Date: 10/04/2011
Time: 12:02 pm
Direction: S
Photo by: Shehane
Exposure #: 013
Comments: water accumulation in used tire observed with water 14 days earlier



Date: 10/04/2011
Time: 12:02 pm
Direction: S
Photo by: Shehane
Exposure #: 014
Comments: same used tire observed 14 days earlier



DIGITAL PHOTOGRAPHS

File Names: 2010305330~100411



Date: 10/04/2011
Time: 12:04 pm
Direction: S
Photo by: Shehane
Exposure #: 015
Comments: same
used tires
observed 14 days
earlier

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

ORIGINAL

IN THE MATTER OF:)
)
Loves Park Auto Parts Co.)
)
Respondent)

IEPA DOCKET NO.

AC17-17

RECEIVED
CLERK'S OFFICE

NOV 23 2011

STATE OF ILLINOIS
Pollution Control Board

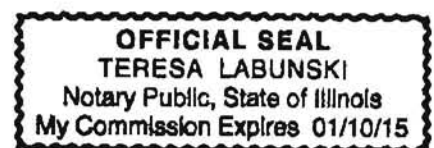
Affiant, Donna Shehane, being first duly sworn, voluntarily deposes and states as follows:

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 4, 2011 between 11:45 am and 12:10 p.m., Affiant conducted an inspection of Loves Park Auto Parts Co., located in Winnebago County, Illinois. Said site has been assigned site code number BOL# 2010305530 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 facility.

Donna Shehane
Donna Shehane EPS III

Subscribed and Sworn to Before Me
this 25 day of October, 2011

Teresa Labunski
Notary Public



PROOF OF SERVICE

I hereby certify that I did on the 17th day of November 2011, 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: Loves Park Auto Parts Co.
Attn: Steven Jack
9902 N. Second Street
Rockford, IL 61115

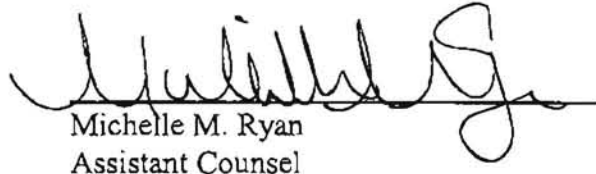
Thomas A. Jack, Registered Agent,
Loves Park Auto Parts Co.
9902 N. Second Street
Rockford, IL 61115

RECEIVED
CLERK'S OFFICE
NOV 23 2011
STATE OF ILLINOIS
Pollution Control Board

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

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

2 ORIGINAL



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