



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

(217) 782-9817

TDD: (217) 782-9143

January 3, 2013

RECEIVED
CLERK'S OFFICE

JAN 08 2013

STATE OF ILLINOIS
Pollution Control Board

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

AC 13-27



ORIGINAL

Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. Isidro Nunez d/b/a Chilo's Tire Service
IEPA File No.302-12-AC: 1610455289—Rock Island 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 Used Tire Storage Exempt Checklist, issued to the above-referenced respondent(s).

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

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

Sincerely,


Michelle M. Ryan
Assistant Counsel 

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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JAN 08 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 ISIDRO NUNEZ D/B/A CHILO'S TIRE)
 SERVICE,)
)
 Respondent.)

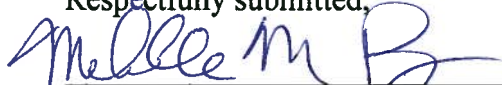
AC 13-27
 (IEPA No. 302-12-AC)

NOTICE OF FILING

To: Isidro Nunez d/b/a Chilo's Tire Service
 1146 5th Avenue
 Moline, IL 61265

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 USED TIRE STORAGE EXEMPT CHECKLIST.

Respectfully submitted,



 Michelle M. Ryan
 Assistant Counsel

by JCR

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

Dated: January 3, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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JAN 08 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
ISIDRO NUNEZ D/B/A CHILO'S TIRE)
SERVICE,)
)
)
Respondent.)

AC 13-27
(IEPA No. 302-12-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2010).

FACTS

1. That Isidro Nunez d/b/a Chilo's Tire Service is the current operator ("Respondent") of a facility located at 1146 5th Avenue, Moline, Rock Island County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Chilo's Tire Service.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1610455289.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on November 20, 2012 Gerald McGhee, of the Illinois Environmental Protection Agency's ("Illinois EPA") Peoria Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 1-3-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7010 2780 0002 1167 5508.

VIOLATIONS

Based upon direct observations made by Gerald McGhee during the course of his November 20, 2012 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1)(2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), 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 30, 2013, 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 (2010), 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) (2010), 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 (2010). 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: 1/2/13

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

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JAN 08 2013

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
ISIDRO NUNEZ D/B/A CHILO'S TIRE)
SERVICE,)
Respondent.)

AC 13-27
(IEPA No. 302-12-AC)

FACILITY: Chilo's Tire Service
SITE CODE NO.: 1610455289
COUNTY: Rock Island
CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: November 20, 2012

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

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JAN 08 2013

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF

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)

A 13-27

IEPA DOCKET NO.

RESPONDENT

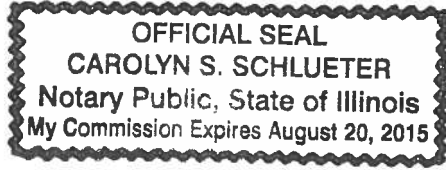
Affiant, Gerald S. McGhee, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On November 20, 2012, between 11:20 a.m. and 11:40 a.m., Affiant conducted an inspection of the tire retail site in Rock Island County, Illinois, known as Chilo's Tire Service, Illinois Environmental Protection Agency Site No. 1610455289.
3. Affiant inspected said Chilo's Tire Service tire retail 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 Chilo's Tire Service tire retail site.

Gerald S. McEhee

Subscribed and Sworn to before
me this 28 day of November, 2011

Carolyn S. Schlueter
Notary Public





Illinois Environmental Protection Agency

RECEIVED
CLERK'S OFFICE Page 1 of 5

JAN 08 2013

STATE OF ILLINOIS
Pollution Control Board

Bureau of Land • 1021 N. Grand Avenue E. • Box 19276 • Springfield • Illinois • 62794-9276

Used Tire Storage Exempt Checklist

Note: This checklist is to be used for retail sites that have 250 or less used tires outside, or fewer than 1300 recyclable tires, 1300 tire carcasses and 1300 used tires stored dry.

County: Rock Island BOL ID # 1610455289 Region Region 3 - Peoria

Facility Name: Chilo's Tire Service

Facility Address: 1146 5th Ave

City: Moline State: IL Zip: 61265 Phone: 309-797-5102

Date: Nov 20, 2012 Start Time: 11:20 a.m. End Time: 11:40 a.m.

Inspector(s): Jeb McGhee Previous Inspection Date: Aug 29, 2012

Weather: 48 ° F Sunny No. of Photos Taken: 19

Interviewed: Isidro Nunez No. of Samples Taken: _____

Waste Tire Hauler Used: Bell's Hauling & Recycling on 9/26/2012 = 130 tires Complaint #: _____

Estimated Number of Tires at this Facility: 2300 Hauler Reg. No.: T7599

Responsible Party Information

Name: Chilo's Tire Service

Address 1: Attn: Isidro Nunez

Address 2: 1146 5th Avenue

City: Moline State: IL Zip Code: 61265

Name: Boys and Girls Clubs of the Mississippi Valley, Inc.

Address 1: c/o Becky Clark, Registered Agent

Address 2: 338 6th Street

City: Moline State: IL Zip Code: 61265

Add Another Address

Delete Last Address

ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS

21(k)	Failure or refusal to pay any fee imposed under the Act. Note: Cite this violation if violation of 55.8(a)(i) or 55.9 is cited.	<input type="checkbox"/>
55(a)(3)	Except at a tire storage site that contains more than 50 used tires, cause or allow the storage of used tires unless the tires are altered, reprocessed, converted, covered or otherwise prevented from accumulating water	<input checked="" type="checkbox"/>
55(b-1)	No person shall knowingly mix any used or waste tire, either whole or cut, with municipal waste.	<input type="checkbox"/>
55(c)	Failure to file the required notification with the Agency by 1/1/1990 or within 30 days of commencement of storing used tires. (Note: Do not mark if site always maintains 50 or less used tires.)	<input type="checkbox"/>
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.	<input type="checkbox"/>
55(h)	Cause or allow the combustion of any used or waste tire in an enclosed devise unless a permit has been issued by the Agency.	<input type="checkbox"/>
55.8(a)	Any person selling tires at retail or offering tires for retail sale in this state shall:	
(1)	collect from retail customers a fee of \$2.00 (plus \$.50) per tire sold to be paid to the IL Dept. of Revenue.	<input type="checkbox"/>
(2)	accept for recycling used tires from customers, at the point of transfer, in a 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 X 11 inches in size that includes the universal recycling symbol and the following statements: "DO NOT put used tires in the trash;" "Recycled your tires."; and "State law requires us to accept used tires for recycling, in exchange for new tires purchased."	<input checked="" type="checkbox"/>
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"/>
55.9	Retailers shall collect the fee from purchaser by adding the fee to the selling price of the tire. The fee imposed shall be stated as a distinct item separate and apart from the selling price.	<input checked="" type="checkbox"/>
55.10	Failure to file a quarterly ST-8 tax return with the IL Dept. of Revenue.	<input type="checkbox"/>

TIRE TRANSPORTATION REQUIREMENTS

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"/>
55(g)	Engage in any operation as a used tire transporter except in compliance with Board regulations.	<input type="checkbox"/>
848.601(a)	No person shall transport more than 20 used 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"/>
848.601(b)	No person shall provide, deliver, or transport used tires to a tire transporter for transport unless the transporter's vehicle displays a placard issued by the Agency under this Subpart identifying the transporter as a registered tire hauler.	<input type="checkbox"/>

848.606(a)	Upon approval of a registration as a tire transporter, the owner or operator of any vehicle registered to transport used tires shall place a placard on opposite sides of the vehicles, which display(s) a number issued by the Agency following the words "Registered Tire Transporter: T###."	<input type="checkbox"/>
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"/>

VIOLATIONS SUBJECT TO ADMINISTRATIVE CITATIONS

55(k)	No person shall:	
(1)	Cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.	<input checked="" type="checkbox"/>
(2)	Fail to collect a fee required under Section 55.8 of this Title.	<input type="checkbox"/>
(3)	Fail to file a return required under Section 55.10 of this Title.	<input type="checkbox"/>
(4)	Transport used or waste tires in violation of the registration and vehicle placarding requirements adopted by the Board.	<input type="checkbox"/>

THE FOLLOWING VIOLATIONS MAY BE CITED WHEN WASTES, INCLUDING TIRES, HAVE BEEN IMPROPERLY DISPOSED

9(a)	Cause, threaten or allow air pollution in Illinois.	<input type="checkbox"/>
9(c)	Cause, or allow open burning.	<input type="checkbox"/>
12(a)	Cause, threaten or allow water pollution in Illinois.	<input type="checkbox"/>
12(d)	Create a water pollution hazard.	<input type="checkbox"/>
21(a)	Cause or allow open dumping of: <input type="checkbox"/> Used Tires <input type="checkbox"/> Other solid waste	<input type="checkbox"/>
21(d)(1)	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.	<input type="checkbox"/>
21(d)(2)	No person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.	<input type="checkbox"/>
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 that meets the requirements of the Act and of regulations and standards thereunder.	<input type="checkbox"/>
21(p)	Cause or allow the open dumping of any waste in any manner that 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)	Proliferations of Disease Vectors	<input type="checkbox"/>
(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
(7)	Deposition of GCDD or CCDD	<input type="checkbox"/>
55(a)	No person shall:	
(1)	cause or allow the open dumping of any used or waste tire.	<input type="checkbox"/>
(2)	cause or allow the open burning of any used or waste tire.	<input type="checkbox"/>
(5)	Abandon, dump or dispose of any used or waste tire on any private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.	<input type="checkbox"/>
848.202(b)(6)	Abandon, dump or dispose of any used or waste tire on any private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.	<input type="checkbox"/>
812.101(a)	Failure to submit an application for a permit to develop and operate a landfill, unless the site is specifically exempted by Section 21(d) of the Act. The application must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in Part 817.	<input type="checkbox"/>
815.201	Failure to file an initial facility report with the Agency to provide information concerning location and disposal practices of the facility.	<input type="checkbox"/>

OTHER REQUIREMENTS

	Apparent Violations of: <input type="checkbox"/> PCB CASE NUMBER: _____ <input type="checkbox"/> CIRCUIT COURT Order entered on: _____	<input type="checkbox"/>
739.122(c)(1)	Failure to properly label used oil container(s)	<input type="checkbox"/>
739.124	Improper off-site shipment/transportation of used oil	<input type="checkbox"/>

Use lines below for additional violations

		<input type="checkbox"/>
--	--	--------------------------

Add Another Violation

Delete Last Violation

1610455289 -- Rock Island County
Chilo's Tire Service
FOS
Prepared By: Jeb McGhee
Inspection Date: November 20, 2012
Page 1 of 3

NARRATIVE

On November 20, 2012, I conducted a Tire Storage Inspection from 11:20 a.m. until 11:40 a.m. at Chilo's Tire Service located at 1146 5th Avenue in Moline, Illinois. The facility is owned by Boys and Girls Clubs of the Mississippi Valley, Inc. It is operated by Isidro Nunez d/b/a Chilo's Tire Service.

[The Inspection was conducted as a follow up to an Administrative Citation Warning Notice sent to the registered agent of the owner and the operator Isidro Nunez on September 6, 2012.

On September 20, 2012, a compliance proposal from Catherine E. Hult of Lane and Waterman, LLP was received on behalf of the owner. The compliance deadline was November 12, 2012. On September 21, 2012, the Agency accepted the proposal.

On October 26, 2012, a compliance proposal from Steven E. Balk of McGehee, Olson, Pepping, Balk & Kincaid, LTD was received on behalf of the operator, Isidro Nunez. The compliance deadline was November 12, 2012. On November 1, 2012 the Agency accepted the proposal.]

The facility generates used tires by acquiring them wholesale and selling them at retail. The Used and/or Waste Tire Activity Notification Form was submitted on October 26, 2012. The required written notice under Section 55.8(a)(3) of the Act was not posted. I interviewed Isidro Nunez.

I asked Mr. Nunez to show me a customer invoice showing that the Illinois Tire User Fee is being charged for the sale of used tires. He could not produce customer invoices of any kind and he explained that he doesn't write up customer invoices. I called the Illinois Dept. of Revenue when I returned to the office and verified that the facility filed an ST-8 Return reporting that 82 used tires were sold in the third quarter of 2012. Mr. Gonzalez produced receipts for disposal of 130 used tires from the site on September 26, 2012 by Bell's Hauling & Recycling (T7599).

I observed approximately 125 used tires for disposal stored outside that are not prevented from accumulating water as seen in photograph 5.

I observed about 1875 used tires for sale stored outside behind the facility. Some used tires are stored under tarps and many other are stored outside and not prevented from accumulating water. (See photographs 1, 2, and 6 through 16. Sampling for larval mosquitos was not conducted.

I observed about 300 used tires and a few new tires stored inside a building at the facility as seen in photographs 17, 18, and 19.

I observed about one thousand less tires during this inspection than I observed during the inspection conducted on August 29, 2012, so I asked Mr. Nunez where all the tires had gone. He explained that he removed approximately 600 used tires from the site. About 300 used tires were relocated to a private garage owned by Rosas Narciso located at 426 4th Avenue in Moline.

About 300 used tires were relocated to a private garage owned by Deanna Chaser located at 602 4th Avenue in Moline. Both locations are unregistered tire storage sites. Both sites were inspected on November 20, 2012 following this inspection.

The facility has returned to compliance with apparent violations of Sections 55.8(b) and 55(c) of the Act.

The following continuing apparent violations found in a previous inspection conducted on August 29, 2012 and cited in an Administrative Citation Warning Notice dated September 6, 2012 were observed:

1. Pursuant to Section 55(a)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(3)), no person shall, except at a tire storage site which contains more than 50 used tires, cause or allow the storage of any used tire unless the tire is altered, reprocessed, converted, covered, or otherwise prevented from accumulating water.

A violation of Section 55(a)(3) is alleged for the following reason: **Boys and Girls Clubs of the Mississippi Valley, Inc. as owner and Isidro Nunez d/b/a Chilo's Tire Service as operator allowed the storage of used tires that were not prevented from accumulating water.**

2. Pursuant to Section 55.8(a)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/55.8(b)), a person who accepts used tires for recycling under 55.8(a) shall 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."

A violation of Section 55.8(a)(3) of the {Illinois} Environmental Protection Act (415 ILCS 5/55.8(a)(3)) is alleged for the following reason: **Boys and Girls Clubs of the Mississippi Valley, Inc. as owner and Isidro Nunez d/b/a Chilo's Tire Service had not posted the required notice.**

3. Pursuant to Section 55.9 of the {Illinois} Environmental Protection Act (415 ILCS 5/55.9), 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.

A violation of Section 55.9 of the {Illinois} Environmental Protection Act (415 ILCS 5/55.9) is alleged for the following reason: **Boys and Girls Clubs of the Mississippi Valley, Inc. as owner and Isidro Nunez d/b/a Chilo's Tire Service failed to 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.**

1610455289 -- Rock Island County
Chilo's Tire Service
FOS
Prepared By: Jeb McGhee
Inspection Date: November 20, 2012
Page 3 of 3

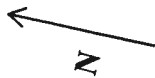
4. Pursuant to Section 55(k)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(k)(1)), no person shall cause or allow water to accumulate in used or waste tires.

The prohibitions specified in this subsection (k) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act.

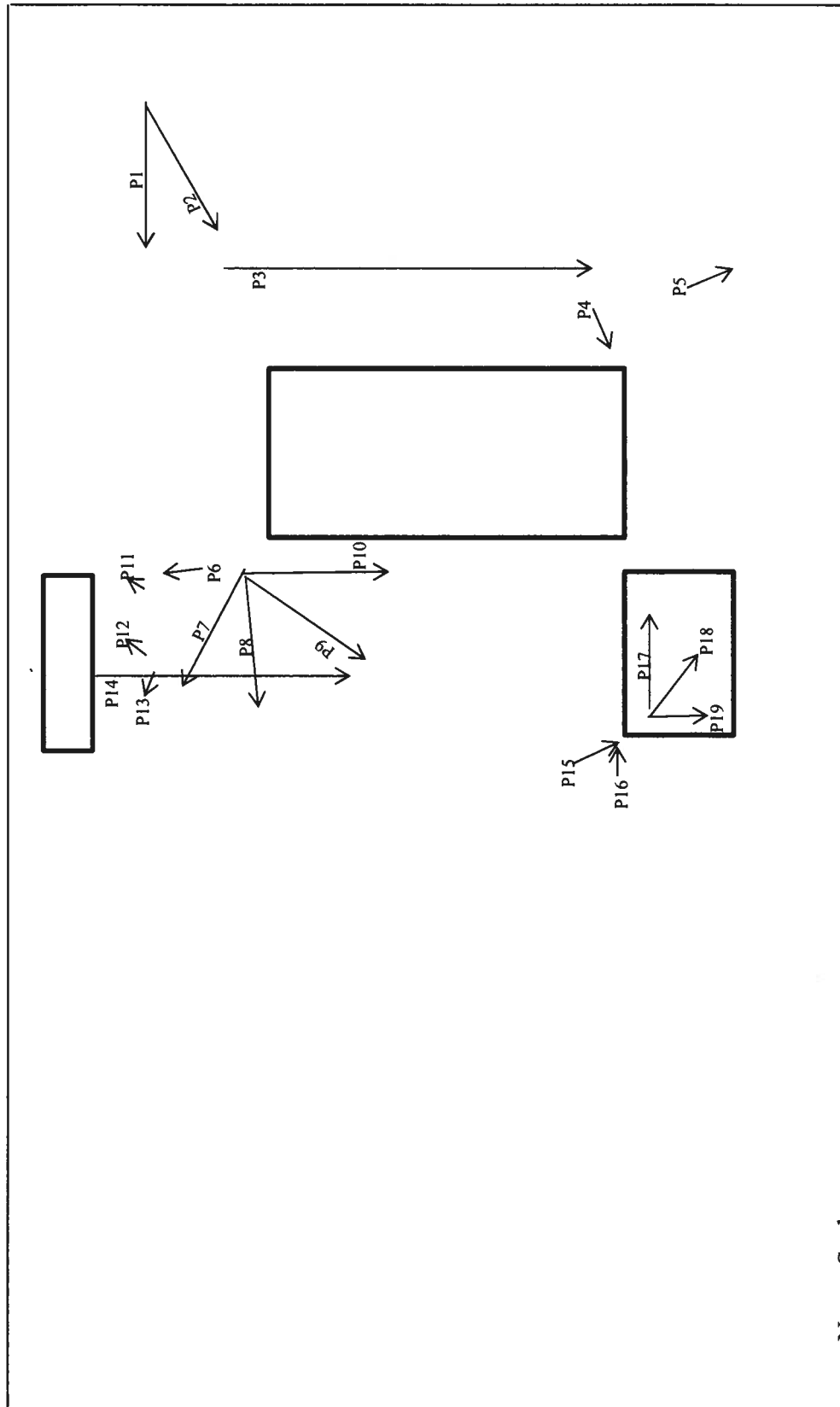
A violation of Section 55(k)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(k)(1)) is alleged for the following reason: **Boys and Girls Clubs of the Mississippi Valley, Inc. as owner and Isidro Nunez d/b/a Chilo's Tire Service allowed used or waste tires to accumulate water.**

State of Illinois Environmental Protection Agency Site Sketch

Inspector: Jeb McGhee
Date of Inspection: November 20, 2012
Site Name: Chilo's Tire Service
LPC #: 1610455289
County: Rock Island
Time: 11:20 a.m. - 11:40 a.m..



5th Avenue



Not to Scale



DATE: November 20, 2012

TIME: 11:25 a.m.

PHOTOGRAPHED BY:

Jeb McGhee

DIRECTION: Photograph taken
toward the west southwest

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:

1610455289~11202012-001.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.



DATE: November 20, 2012

TIME: 11:25 a.m.

PHOTOGRAPHED BY:

Jeb McGhee

DIRECTION: Photograph taken
toward the southwest

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:

1610455289~11202012-002.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.



DOCUMENT FILE NAME:

1610455289~11202012.doc



DATE: November 20, 2012

TIME: 11:25 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the south

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
1610455289~11202012-003.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.



DATE: November 20, 2012

TIME: 11:27 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the southwest

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
1610455289~11202012-004.jpg

COMMENTS: Used oil





DATE: November 20, 2012

TIME: 11:28 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the southeast

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
1610455289~11202012-005.jpg

COMMENTS: Used tires for
disposal by Bell's Hauling &
Recycling (T7599)



DATE: November 20, 2012

TIME: 11:39 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the north northwest

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
1610455289~11202012-006.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.





DATE: November 20, 2012

TIME: 11:39 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the northwest

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
1610455289~11202012-007.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.



DATE: November 20, 2012

TIME: 11:39 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the west southwest

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
1610455289~11202012-008.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.



DOCUMENT FILE NAME:
1610455289~11202012.doc



DATE: November 20, 2012

TIME: 11:39 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the south southwest

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
1610455289~11202012-009.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.



DATE: November 20, 2012

TIME: 11:39 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the south southeast

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
1610455289~11202012-010.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.





DATE: November 20, 2012

TIME: 11:40 a.m.

PHOTOGRAPHED BY:

Jeb McGhee

DIRECTION: Photograph taken
toward the north northeast

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:

1610455289~11202012-011.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.



DATE: November 20, 2012

TIME: 11:40 a.m.

PHOTOGRAPHED BY:

Jeb McGhee

DIRECTION: Photograph taken
toward the north

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:

1610455289~11202012-012.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.



DOCUMENT FILE NAME:

1610455289~11202012.doc



DATE: November 20, 2012

TIME: 11:40 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the west

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
1610455289~11202012-013.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.



DATE: November 20, 2012

TIME: 11:41 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the south southeast

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
1610455289~11202012-014.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.



DOCUMENT FILE NAME:
1610455289~11202012.doc



DATE: November 20, 2012

TIME: 11:42 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the southeast

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:
1610455289~11202012-015.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.



DATE: November 20, 2012

TIME: 11:42 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the east

PHOTOGRAPH NUMBER: 16

PHOTOGRAPH FILE NAME:
1610455289~11202012-016.jpg

COMMENTS: Chilo's Tire
Service has used tires stored outside
that are not prevented from
accumulating water.



DOCUMENT FILE NAME:
1610455289~11202012.doc



DATE: November 20, 2012

TIME: 11:42 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the east

PHOTOGRAPH NUMBER: 17

PHOTOGRAPH FILE NAME:
1610455289~11202012-017.jpg

COMMENTS: Used tires stored
inside a building.



DATE: November 20, 2012

TIME: 11:42 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the southeast

PHOTOGRAPH NUMBER: 18

PHOTOGRAPH FILE NAME:
1610455289~11202012-018.jpg

COMMENTS: Used tires stored
inside a building.



DOCUMENT FILE NAME:
1610455289~11202012.doc



DATE: November 20, 2012

TIME: 11:42 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the south southeast

PHOTOGRAPH NUMBER: 19

PHOTOGRAPH FILE NAME:
1610455289~11202012-019.jpg

COMMENTS: Used tires stored
inside a building.



2011-05610 - ROCK ISLAND COUNTY
Chilo's Title Service
FOS

2011-05610

PATRICIA "PAT" VERONDA
ROCK ISLAND COUNTY RECORDER
ROCK ISLAND, IL

RECORDED ON
03/15/2011 03:05PM

REC FEE: 32.50
RHSP FEE: 10.00

BOOK: 0
PAGE: 0

PAGES: 2

AFFIX TRANSFER TAX
STAMPS

or
Exempt under the provisions of Paragraph
b. 35 ILCS 200/31-45, Real Estate
Transfer Act
Date March 15, 2011

Patricia Veronda
Buyer, Seller, or Representative

49.50 B

**CORPORATION
WARRANTY
DEED**

THIS INDENTURE WITNESSETH, That the Grantor, **SKILLS, INC., an Illinois corporation** duly organized and existing under and by virtue of the laws of the State of Illinois and duly authorized to transact business in the State where the following described real estate is located, for and in consideration of One Dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, and pursuant to authority given by the Board of Directors of said corporation, **CONVEYS AND WARRANTS to BOYS AND GIRLS CLUBS OF THE MISSISSIPPI VALLEY, INC., an Illinois not-for-profit corporation,**

whose address is: 338 6th Street
Moline, IL 61265

the following described real estate to-wit:

Lot One (1) in Block Eight (8) in Pitts, Gilbert & Pitts' (First) Addition to the Town of Moline, according to the plat thereof, filed for record in the office of the Recorder in and for the County of Rock Island on June 30, 1857, and recorded in Large Plat Book 5.

AND

The East Half of Lot Number Two (2) in Block Number Eight (8) in that part of the City of Moline known as and called Pitts, Gilbert and Pitts' (First) Addition; Also, so much of Fifth Avenue (formerly Henry Street) lying immediately North of and adjacent to said above described East Half as was vacated by Ordinance of the City Council of the City of Moline passed April 3, 1876; situated in the County of Rock Island and State of Illinois.

TAX PARCEL #MO-5799-1

Subject to:

(a) General real estate taxes not yet due; and

1010722289 - Rock Island County
Chilo's Tile Service
FOS

(b) Easements, restrictions and covenants of record.

IN WITNESS WHEREOF, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its President this 11th day of NOVEMBER, 2010.

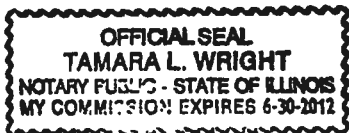
SKILLS, INC., an Illinois Corporation

By: Janis R. Garmong
Janis R. Garmong, President

STATE OF ILLINOIS)
) SS
ROCK ISLAND COUNTY)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Janis R. Garmong, personally known to me to be the President of said Corporation who is the grantor, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such President she signed and delivered the said instrument as President of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as her free and voluntary act, and as the free and voluntary act of said corporation, for the purpose therein set forth.

Given under my hand and Notarial Seal this 11th day of November, 2010.



Tamara L. Wright
Notary Public

Future Taxes to Grantee's Address
() OR to
Boys and Girls Clubs of the
Mississippi Valley, Inc.
338 6th Street
Moline, IL 61265

Return this document to:
Catherine E. Hult
Lane & Waterman
220 North Main Street
Suite 600
Davenport IA 52801-1987

This Instrument was prepared by:
Steven L. Nelson
SNYDER, PARK & NELSON P.C.
1600 - 4th Avenue, Suite 200
Rock Island, IL 61201
(309) 786-8497

1610477282 - Rock Island County
Chilo's Tire Service
FOS

EXHIBIT A

2011-05610

Lot One (1) in Block Eight (8) in Pitts, Gilbert & Pitts' (First) Addition to the Town of Moline, according to the plat thereof, filed for record in the office of the Recorder in and for the County of Rock Island on June 30, 1857, and recorded in Large Plat Book 5.

AND

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*Chilo's Tire Service
FOS*



CORPORATION FILE DETAIL REPORT

Entity Name	BOYS AND GIRLS CLUBS OF THE MISSISSIPPI VALLEY, INC.	File Number	56916806
Status	ACTIVE		
Entity Type	CORPORATION	Type of Corp	NOT-FOR-PROFIT
Incorporation Date (Domestic)	07/21/1992	State	ILLINOIS
Agent Name	BECKY CLARK	Agent Change Date	06/02/2008
Agent Street Address	338 6TH ST	President Name & Address	
Agent City	MOLINE	Secretary Name & Address	
Agent Zip	61265	Duration Date	PERPETUAL
Annual Report Filing Date	05/31/2012	For Year	2012

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(One Certificate per Transaction)

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RECEIVED
CLERK'S OFFICE

JAN 08 2013

STATE OF ILLINOIS
Pollution Control Board



PROOF OF SERVICE

I hereby certify that I did on the 3rd day of January 2013, 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 USED TIRE STORAGE EXEMPT CHECKLIST

To: Isidro Nunez d/b/a Chilo's Tire Service
1146 5th Avenue
Moline, IL 61265

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

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


Michelle M. Ryan
Assistant Counsel


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

THIS FILING SUBMITTED ON RECYCLED PAPER