

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-927 (2014) Figure R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 OBERIC OFFICE

PAT QUINN, GOVERNOR

Douglas P. Scott, Danie 301 2012

STATE OF ILLINOIS
Pollution Control Board

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



January 25, 2012

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. Southern Indiana Tire, Inc.

IEPA File No.3-12-AC: 0330255062—Crawford 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



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	t)
Complainant,)	AC 13-36
v.)	(IEPA No. 3-12-AC)
SOUTHERN INDIANA TIRE, INC.,)	
Respondent.)	DETHIC
	NOTICE OF FILING	MEIDING TO DELING SOFFICE

To: Southern Indiana Tire, Inc.

Attn: Bruce Piper 507 Easy Street Mt. Carmel, IL 62863

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

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

Dated: January 25, 2012



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

JAN 3 1 2012

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	3.8
Complainant,	AC /3
V.	(IEPA No. 3-12-AC)
SOUTHERN INDIANA TIRE, INC.,	
Respondent.	RETURN TO CLAN'S DEFICE

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 Southern Indiana Tire, Inc. is the current owner and operator ("Respondent") of a facility located at 400 E. Main Street, Robinson, Crawford County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Robinson/Best one of Robinson.
- 2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0330255062.
 - 3. That Respondent has owned and operated said facility at all times pertinent hereto.
- 4. That on December 14, 2011, Curt White of the Illinois Environmental Protection Agency's ("Illinois EPA") Champaign Regional Office inspected the above-described facility. A copy

of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on <u>J-35-13</u>, Illinois EPA sent this Administrative Citation via Certified Mail No. <u>7009</u> <u>2820</u> <u>0001</u> <u>7496</u> <u>2234</u>.

VIOLATIONS

Based upon direct observations made by Curt White during the course of his December 14, 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) (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 <u>One Thousand Five Hundred Dollars (\$1,500.00)</u>. 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 <u>February 29, 2012</u>, 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.

Date: 1/23/2012

John J. Kim, Interim Director

Illinois Environmental Protection Agency

Prepared by:

Susan E. Konzelmann, Legal Assistant

Division of Legal Counsel

Illinois Environmental Protection Agency

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

(217) 782-5544

REMITTANCE FORM

CLERK'S OFFICE

JAN 3 1 2012

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) }
Complainant,) AC 13
V.) (IEPA No. 3-12-AC)
SOUTHERN INDIANA TIRE, INC.,	
Respondent.	RETURN

FACILITY: Robinson/Best One of Robinson

SITE CODE NO.: 0330255062

COUNTY: Crawford

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: December 14, 2011

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

<u>NOTE</u>

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 JAN 3 1 2012

	AFFIDAVIT	Pollution Control Board
IN THE MATTER OF:)))) IEPA DOCKE	613-28
Respondent		

Affiant, Curt White, being first duly sworn, voluntarily deposes and states as follows:

- 1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
- 2. On December 14, 2011, between 11:15 A.M. and 11:45 A.M., Affiant conducted an inspection of the site in Crawford County, Illinois, known as the Robinson / Best One of Robinson site, Illinois Environmental Protection Agency Site No. 0330255062.
- 3. Affiant inspected said Best One of Robinson site by an on-site inspection, which included walking the site.
- 4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to the Best One of Robinson site.

Subscribed and Sworn to before me

this 4th day of January,

2012.

Beverly Marie Cerver Notary Public

OFFICIAL SEAL
Beverly Marie Carver
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 3-29-15

Illinois Environmental **Protection Agency**



RECEIVED CLERK'S OFFICE

JAN 3 1 2012

	Used Tir	e Storage Exempt Ch	necklist	STAT	E OF ILLINOIS
Note. This checklist used tires stored dry	is to be used for retail sites t	hat have 250 or less used tires or	utside, or fewer tha	n 1300 recyclable tires, 1300 tire carca	on Control Board
Count	ty: Crawford	BOLID#	0330255062	Region Region 4 - Cha	ampaigri
Facility Nam	e: Best One of Robin	son		THE REAL PROPERTY.	高界的
Facility Addres	ss: 400 East Main Stre	eet		Electric to a tento	20 16 m
	ty: Robinson	State: L Zip:	62454	Phone	618/544-3811
Da	te: Dec 14, 2011 .	Start Time 11:15 am		End Time	11:45 am
Inspector(s): Curt White			Previous Inspection Date:	Jul 20. 2011
Weathe	er: 55 ° F Cloudy			No. of Photos Taken:	6
Interviewe	ed: Keith Kocher			No. of Samples Taken:	
Waste T Hauler Use	ire ed: Systech Environm	ental		Complaint #:	
Estimated Nur	nber of Tires at this Fa	cility: 100		Hauler Reg. No.:	7391
Responsible F	Party Info				
Address 1: 40	0 East Main St				
Address 2:					
City:	pbinson	State: IL	Złp Code: 62	2454	
Add Anothe	er 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.			
5 5(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			
5ō(b-1)	No person shall knowingly mix any used or waste tire, either whole or cut, with municipal waste.			
55(c)	Fallure 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.).			
5 5(e)	Cause or allow the storage, disposal, treatment or processing of any used or waste tire in violations of any regulation or standard adopted by the Board			
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.			
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.			
(2)	accept for recycling used tires from customers, at the point of transfer, in a quantity equal to the number of new tires purchased.			
(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." and "State law requires us to accept used tires for recycling, in exchange for new tires purchased.".			
55 8(5)	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.			
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.			
55.10	Failure to file a quarterly ST-8 tax return with the IL Dept, of Revenue.			
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.			
5 5(g)	Engage in any operation as a used tire transporter except in compliance with Board regulations			
: 848.601(a)	No person shall transport more than 20 used tires in a vehicle unless the following requirements are met: (1) 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) the owner or operator displays a placard on the vehicle, issued by the Agency following registration, in accordance with the requirements of Subpart F.			
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 transporter.			

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###."	
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.	
	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.	\boxtimes
(2)	Fail to collect a fee required under Section 55.8 of this Title	
(3)	Fail to file a return required under Section 55,10 of this Title.	
(4)	Transport used or waste tires in violation of the registration and vehicle placarding requirements adopted by the Board.	
	THE FOLLOWING VIOLATIONS MAY BE CITED WHEN WASTES, INCLUDING TIRES, HAVE BEEN IMPROPERLY DISPOSED	
9(a)	Cause, threaten or allow air pollution in Illinois.	
9(c)	Cause, or allow open burning	
12(a)	Cause, threaten or allow water pollution in Illinois	
12(d)	Create a water pollution hazard	
21(a)	Cause or allow open dumping of: Used Tires Other solid waste	
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.	
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.	
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.	Ο.
21(p)	Cause or allow the open dumping of any waste in any manner that results in any of the following:	
(1)	Litter	
(2)	Scavenging	
(3)	Open Burning	
(4)	Deposition of Waste in Standing or Flowing Waters	
(5)	Proliferations of Disease Vectors	
(6)	Standing or Flowing Liquid Discharge from the Dump Site	
(7)	Deposition of GCDD or CCDD_	
55(a)	No person shall:	
(1)	cause or allow the open dumping of any used or waste tire.	
(2)	cause or allow the open burning of any used or waste tire,	
(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.	
812.101(a)	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.	
815.201	Failure to file an initial facility report with the Agency to provide information concerning location and disposal practices of the facility.	

. OTHER REQUIREMENTS

	Apparent Violations of: PCB CASE NUMBER: CIRCUIT COURT Order entered on:		
739.122(c)	Failure to properly label used oil container(s)		
739.124	Improper off-site shipment/transportation of used oil		
المحالمة	Varrefor additional violations		
se lines be	elow for additional violations		
se lines be	elow for additional violations		

Illinois Environmental Protection Agency

Bureau of Land ◆ Field Operations Section ◆ Champaign

LPC #0330255062-Crawford County Robinson / Best One of Robinson FOS

Inspector: Curt White Insp. Date: 12/14/11

GIS Data: Latitude-N39.00637°, Longitude-W87.73566° +/- 11 ft (Garmin GPSmap 76S)

INSPECTION REPORT NARRATIVE

On July 20, 2011 at 11:30 am, I conducted an inspection at Best One of Robinson, located at 400 E. Main Street, Robinson, Illinois 62454, ph# 618/544-3811. The purpose of the inspection was to determine regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). The inspection consisted of walking around the site, taking pictures, and talking to Keith Kocher, Manage. The weather was cloudy and the temperature 55° F.

Best One of Robinson deals in general automotive repair, maintenance and sell at retail new tires.

DECEMBER 14, 2011 INSPECTION FINDINGS

I arrived on site at 11:15 am and walked around the property. I observed another 100 used tires being stored outside (see photos 1, 4 & 5). I estimated half of the tires being stored outside were new and the other half were used tires. I inspected the used tires for water accumulation. I observed water accumulation and organic matter (see photos 2, 3 & 6). I inspected the used tires for mosquito larva. I observed no mosquito larva. I proceeded to the office and informed Mr. Kocher the results of my inspection. We went outside and I showed Mr. Kocher the water accumulation in the used tires. I told Mr. Kocher that all used tires needed to be prevented from accumulating water. I left the site at 11:45 am.

APPARENT VIOLATIONS CITED DURING THIS INSPECTION WERE:

1. Pursuant to Section 55(a)(3) of the Act, except at a tire storage site, which contains more than 50, used or waste tires, no person shall cause or allow storage of any used tire unless the used tire is altered, covered, or otherwise prevented from accumulating water.

A violation of Section 55(a)(3) is alleged for the following reason: Used tires at this site were not altered, covered, or otherwise prevented from accumulating water.

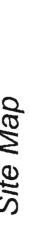
2. Pursuant to Section 55(k)(1) of the Act, no person shall cause or allow storage of any used tire unless the used tire is altered, covered, or otherwise prevented from accumulating water.

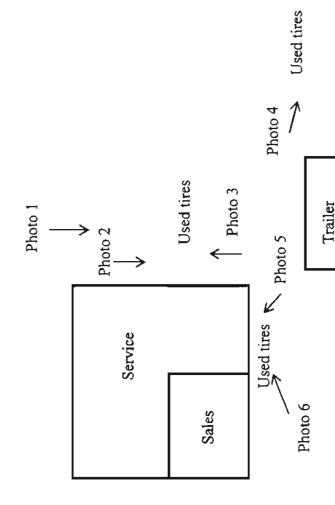
A violation of Section 55(k)(1) is alleged for the following reason: Used tires at this site were not altered, covered, or otherwise prevented from accumulating water.

Illinois Environmental Protection Agency

LPC #0330255062—Crawford County Robinson / Best One of Robinson Insp. Date: 12 / 14 / 11

Site Map





Site Photos

- Photo 1 @ 11:36 am Photo 2 @ 11:37 am
- Photo 3 @ 11:38 am Photo 4 @ 11:40 am
- Photo 5 @ 11:41 am

Main Street



DIGITAL PHOTOGRAPHS

LPC # 0330255062 — Crawford County Robinson / Best One of Robinson FOS File

DATE: 12-14-2011 TIME: 11:36 AM DIRECTION: South PHOTO by: Curt White PHOTO FILE NAME:

0330255062~12142011-001.jpg COMMENTS: Used & new tires

stored outside.



DATE: 12-14-2011 TIME: 11:37 AM DIRECTION: South PHOTO by: Curt White PHOTO FILE NAME:

0330255062~12142011-002.jpg COMMENTS: Used tires with

organic matter & water

accumulation.





DIGITAL PHOTOGRAPHS

LPC # 0330255062 — Crawford County Robinson / Best One of Robinson FOS File

DATE: 12-14-2011 TIME: 11:38 AM DIRECTION: North PHOTO by: Curt White PHOTO FILE NAME:

0330255062~12142011-003.jpg COMMENTS: Used tire with

organic matter & water

accumulation.



DATE: 12-14-2011
TIME: 11:40 AM
DIRECTION: East
PHOTO by: Curt White
PHOTO FILE NAME:

0330255062~12142011-004.jpg

COMMENTS: Used & new

tires stored outside.





DIGITAL PHOTOGRAPHS

LPC # 0330255062 — Crawford County Robinson / Best One of Robinson FOS File

DATE: 12-14-2011
TIME: 11:41 AM
DIRECTION: West
PHOTO by: Curt White
PHOTO FILE NAME:

0330255062~12142011-005.jpg

COMMENTS: Used tires

stored outside.



DATE: 12-14-2011 TIME: 11:42 AM DIRECTION: East PHOTO by: Curt White PHOTO FILE NAME:

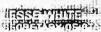
0330255062~12142011-006.jpg COMMENTS: Used tires with

organic matter & water

accumulation.







CORPORATION FILE DETAIL REPORT

Entity Name	SOUTHERN INDIANA TIRE, INC.	File Number	63119911
Status	ACTIVE		
Entity Type	CORPORATION	Type of Corp	FOREIGN BCA
Qualification Date (Foreign)	09,18/2003	S(ate	INDIANA
Agent Name	BRUCE A PIPER	Agent Change Date	09/26/2008
Agent Street Address	507 EASY ST	President Name & Address	PAUL J WEAVER 2132 SW WHITE CHURCH RD PRINCETON IN 47670
Agent City	MT CARMEL	Secretary Name & Address	MARTHA A WEAVER SAME
Agent Zip	62863	Duration Date	PERPETUAL
Annual Report Filing Date	11/21/2011	For Year	2011
Assumed Name		IRE OF ROBINSON, INC IRE & SERVICE OF ROBINSON, INC	

Return to the Search Screen

Purchase Certificate of Good Standing

(One Certificate per Transaction)



PROOF OF SERVICE

STATE OF ILLINOIS
Pollution Control Board

I hereby certify that I did on the 25th day of January 2012, 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: Southern Indiana Tire, Inc.

Attn: Bruce Piper 507 Easy Street

Mt. Carmel, IL 62863

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 Themault, 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