

KAMERON A. MILLER

Attorney at Law

P. O. Box 172 88 S. Madison Street
Carthage, Illinois 62321
(217)-357-2272
doclaw@adams.net

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JUN 04 2012

STATE OF ILLINOIS
Pollution Control Board

May 30, 2012

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

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AC12-52

Re: Appeal of Administrative Citation
IEPA File No. 10412-AC

Dear Pollution Control Board:

An administrative citation was filed against J&R Tire Service, Inc., of Carthage, Illinois for an alleged violation of 415 ILCS 5/55(k)(1), allowing water to accumulate in used or waste tires. A civil penalty was mentioned as being owed if the violation was not contested.

J&R Tire does not necessarily admit that they caused or allowed water to accumulate in tires on that were stored outside the premises, but they would like the board to be aware of the following:

1. That the amount of water that was within the tires was fairly negligible and was not necessarily allowed or caused by J&R Tire in that J&R Tire did not have knowledge at the time of the inspection that there was water within the tires, the area of Carthage having gone through hot dry weather, where one would not think any water would have been present.
2. That the tires in question have either been covered with tarpaulins, or drilled so as to prevent any further water accumulation.
3. That the 'refuse' observed in one of the tires was the result of the environment (i.e. Wind and litter) and not the direct result of J&R Tire.
4. That J&R Tire has operated for the past many years since incorporation without a citation of violations.
5. That J&R Tire is not operating an 'open dump' as alleged in Comment 2 of the Facts Section of the Administrative Citation.
6. That J&R Tire has since 2009, properly disposed of approximately 20,000 tires, all done with proper forms and fees as required by law.

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Therefore, J&R Tire Service, Inc., would request the board authorize a re-inspection of the facility to document the compliance with the statutes, and abatement of the civil penalty as mentioned in the citation. J&R Tire, a family owned business, has been an upstanding member of the Carthage and Hancock County community, employing local people in a harsh economy. The penalty prescribed by statute does not take into consideration an ability to pay the penalty, or the actual knowledge or culpability of a 'person' for any violation, or the impact it can have on a company, especially a local one-location operation such as J&R Tire.

If the board has any questions, they may contact myself on behalf of J&R Tire Service, Inc.

Sincerely,

A handwritten signature in black ink, appearing to read "Kameron A. Miller". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kameron A. Miller