



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

DOUGLAS P. SCOTT, DIRECTOR

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

June 13, 2012

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

RECEIVED
CLERK'S OFFICE

JUN 18 2012

STATE OF ILLINOIS
Pollution Control Board

AC12-58

ORIGINAL
RETURN TO CLERK'S OFFICE

Re: Illinois Environmental Protection Agency v. Leota Humm and Bishop's Truck Service, Inc.
IEPA File No. 137-12-AC; 1650205091—Saline 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).

TIRE DISPOSAL SITE

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

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JUN 18 2012

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LEOTA HUMM and BISHOP'S TRUCK)
SERVICE, INC.,)
)
Respondents.)

AC 12-58
(IEPA No. 137-12-AC)

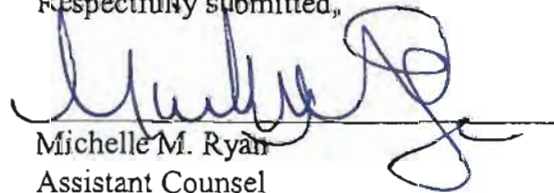
NOTICE OF FILING

To: Leota Humm
315 E. Gaskin St.
Harrisburg, IL 62946

Perry L. Bishop, Registered Agent
Bishop's Truck Service, Inc.
501 South Cherry Street
Harrisburg, IL 62946

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: June 13, 2012

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,)
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Complainant,)
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v.)
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LEOTA HUMM and BISHOP'S TRUCK)
SERVICE, INC.)
)
)
Respondents.)

AC 12-58
(IEPA No. 137-12-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 Leota Humm is the current owner and Bishop's Truck Service, Inc. is the current operator ("Respondents") of a facility located at 333 E. Sloan Street, Harrisburg, Saline County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Harrisburg/Bishop's Truck Service, Inc.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1650205091.
3. That Respondents have owned/operated said facility at all times pertinent hereto.
4. That on May 8, 2012, Phillip Fatka and Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion 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 6-13-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 1190
7009 2820 0001 7496 1206.

VIOLATIONS

Based upon direct observations made by Phillip Fatka and Garrison Gross during the course of the May 8, 2012 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2010).
- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2010).
- (3) That Respondents caused or allowed the open dumping of waste in a manner resulting in proliferation of disease vectors, a violation of Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (2010).
- (4) That Respondents caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris: or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2010).

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

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondents are 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 Seven Thousand Five Hundred Dollars (\$7,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than July 15, 2012, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2010), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, 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, Respondents shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2010). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.



John J. Kiro, Interim Director
Illinois Environmental Protection Agency

Date: 6/11/12

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

RECEIVED
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JUN 18 2012
STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
LEOTA HUMM and BISHOP'S TRUCK)
SERVICE, INC.,)
Respondents.)

AC 12-58
(IEPA No. 137-12-AC)

FACILITY: Harrisburg/Bishop's Truck Service, Inc.
SITE CODE NO.: 1650205091
COUNTY: Saline
CIVIL PENALTY: \$7,500.00
DATE OF INSPECTION: May 8, 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.

STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

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JUN 18 2012
STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

I, Phillip Fatka, being first duly sworn upon oath, depose and state as follows:

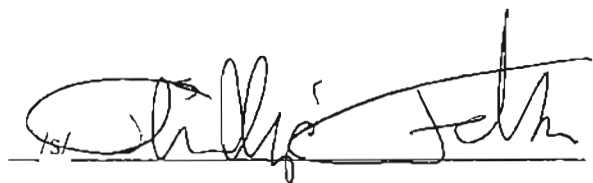
1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On May 8, 2012, between 11:30 a.m. and 12:25 p.m., Affiant conducted an inspection of the Bishop's Truck Service, Inc. in Saline County, Illinois, known as Bishop's Truck Service, Inc. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1650205091 by the Agency.

3. Affiant inspected said Bishop's Truck Service, Inc. site by an on-site inspection, which included walking and photographing the site.

4. As a result of the material actions 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 Bishop's Truck Service, Inc. site.

FURTHER AFFIANT SAYETH NOT.



Subscribed and Sworn to before
me this 24th day of May, 2012

Gail Stricklin
Notary Public



STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

RECEIVED
CLERK'S OFFICE
JUN 18 2012
STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

I, Garrison Gross, being first duly sworn upon oath, depose and state 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 May 8, 2012, between 11:30 a.m. and 12:25 p.m., Affiant conducted an inspection of the Bishop's Truck Service, Inc. in Saline County, Illinois, known as Bishop's Truck Service, Inc. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1650205091 by the Agency.

3. Affiant inspected said Bishop's Truck Service, Inc. site by an on-site inspection, which included walking and photographing the site.

4. As a result of the material actions 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 Bishop's Truck Service, Inc. site.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before
me this 24th day of May, 2012

Gail Stricklin
Notary Public



	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(3)	Except at a tire storage site which contains more than 50 used tires, cause or allow the storage of any used tire unless the tires is altered, reprocessed, converted, covered, or otherwise prevented from accumulating water.	<input checked="" type="checkbox"/>
	(5)	Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property	<input checked="" type="checkbox"/>
	(6)	Fail to submit required reports or tire removal agreements	<input checked="" type="checkbox"/>
10.	55(c)	FAILURE TO FILE THE REQUIRED NOTIFICATION WITH THE AGENCY BY 1/1/90 OR WITHIN 30 DAYS OF COMMENCEMENT OF THE DISPOSAL ACTIVITY.	<input type="checkbox"/>
11.	55(d)(2)	CAUSING OR ALLOWING THE OPERATION OF A TIRE DISPOSAL SITE WITHOUT SUBMITTING, AND RECEIVING WRITTEN APPROVAL OF, A TIRE REMOVAL AGREEMENT, OR HAVING ENTERED INTO A CONSENSUAL REMOVAL AGREEMENT.	<input type="checkbox"/>
12.	55(e)	CAUSE OR ALLOW THE DISPOSAL OF ANY USED OR WASTE TIRE IN VIOLATION OF ANY REGULATION OR STANDARD ADOPTED BY THE BOARD Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
13.	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"/>
14.	55(g)	NO PERSON SHALL ENGAGE IN ANY OPERATION AS A USED OR WASTE TIRE TRANSPORTER EXCEPT IN COMPLIANCE WITH BOARD REGULATIONS. Note: Also Mark a Violation of Subpart F	<input type="checkbox"/>
15.	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"/>
16.	55(i)	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"/>
17.	55(j)	FAILURE TO COMPLY WITH THE TERMS OF A TIRE REMOVAL AGREEMENT.	<input checked="" type="checkbox"/>
18.	55.4	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: a) <input type="checkbox"/> Minimizes the need for further maintenance b) <input type="checkbox"/> Removes all used and waste tires and any residues there from; and c) <input checked="" type="checkbox"/> Protects human health during the removal and post removal periods. Note: Also Mark a Violation of 848.502	<input checked="" type="checkbox"/>
PART 848: SUBPART B: MANAGEMENT STANDARDS			
19.	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 checked="" 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 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"/>
	(6)	NOT Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property in Illinois	<input checked="" type="checkbox"/>
	(7)	NOT Accept Any Used or Waste Tires from a Vehicle in Which More than 20 Tires Have Been Loaded Unless the Vehicle Displays a Tire Transporter Placard.	<input type="checkbox"/>
	(8)	NOT Accumulate Any Tires in an Arca with a Grade Exceeding 2% Without Meeting the Requirements of 848.202(d)(3)	<input type="checkbox"/>

20.	848.202(c)	IN ADDITION 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 848.203	<input type="checkbox"/>
	(2)	Meet the Record keeping requirements of Part 848 Subpart C Note: Also Mark a Violation of Subpart C	<input type="checkbox"/>
	(3)	Maintain waste tire piles separated from grass, weeds, brush, over-hanging tree limbs, and similar vegetative growth by no less than 50 feet.	<input checked="" type="checkbox"/>
21.	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 COMPLY WITH THE FOLLOWING:	
	(2)	The entrance shall be controlled at all times by an attendant, locked entrance, television monitors, controlled roadway access or other equivalent mechanisms.	<input type="checkbox"/>
22.	848.203	CONTINGENCY PLAN REQUIREMENTS FOR DISPOSAL SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of 848.203. Note: Also Mark a Violation of 848.203(b), (c), (d), (e), (f), (g), or (h)	<input checked="" 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 mosquitoes and other nuisance organisms which may breed in water accumulations in used or waste tires.	<input type="checkbox"/>
	(c)	Immediately implement the contingency plan provisions whenever there is a fire or run-off resulting from a tire fire, or whenever there is evidence of mosquito production.	<input checked="" 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 emergency coordinator 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 AT TIRE DISPOSAL SITES			
23.	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"/>
24.	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"/>
25.	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:	
	(1)	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, but not be limited to, 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 of and implemented within 14 days of filing with the Agency.	<input type="checkbox"/>

	(2)	Have and maintain a contingency plan which meets the requirements of Section 848.203	<input type="checkbox"/>
	(3)	Meet the record keeping and reporting requirements of Subpart C Note: Also Mark a Violation of Subpart C	<input type="checkbox"/>
26.	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 DISPOSAL 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 checked="" type="checkbox"/> Date of Pesticide Application (2) <input checked="" type="checkbox"/> Number of Used or Waste Tires Treated (3) <input checked="" type="checkbox"/> Amount of Pesticide Applied (4) <input checked="" type="checkbox"/> Type of Pesticide Used	<input checked="" 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 checked="" 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 Disposal Sites with 500 or more Used or Waste Tires			
29.	848.302(a)	The owner/operator shall keep on site a: (1) <input type="checkbox"/> Daily Tire Record (2) <input checked="" type="checkbox"/> Annual Tire Summary	<input checked="" type="checkbox"/>
30.	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"/>
31.	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"/>
32.	848.304	FAILURE TO MAINTAIN ON SITE AN ANNUAL TIRE SUMMARY FOR EACH CALENDAR YEAR THAT INCLUDES:	
	(a)	The site number, name and address and the calendar year for which the summary applies.	<input checked="" type="checkbox"/>
	(b)(1)	The weight or volume of tires received	<input type="checkbox"/>
	(b)(2)	The weight or volume of tires transported from the site	<input checked="" type="checkbox"/>
	(b)(4)	The weight or volume of used or waste tires combusted during the calendar year	<input type="checkbox"/>
33.	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input checked="" type="checkbox"/>
34.	848.305	FAILURE TO RETAIN REQUIRED RECORDS ON SITE FOR 3 YEARS	<input checked="" type="checkbox"/>
PART 848: SUBPART D: FINANCIAL ASSURANCE NOTE: Applies to sites which have disposed 50 or more used or waste tires, and which do not have written approval of a tire removal agreement, per 848.208			
35.	848.400(b)(1)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR AFTER 1/1/92, FAILURE TO COMPLY WITH SUBPART D PRIOR TO DISPOSING ANY USED OR WASTE TIRES Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>

36.	848.400(b)(2)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE DISPOSED 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"/>
37.	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 checked="" type="checkbox"/>
38.	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 checked="" 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 checked="" type="checkbox"/>
39.	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL USED OR WASTE TIRES.	<input checked="" type="checkbox"/>
40.	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input checked="" type="checkbox"/>
PART 848: SUBPART E: TIRE REMOVAL AGREEMENTS			
41.	848.501(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR BEFORE 1/1/92, THE OWNER/OPERATOR SHALL OBTAIN BY 1/1/92 WRITTEN APPROVAL FROM THE AGENCY OF A TIRE REMOVAL AGREEMENT SUBMITTED PURSUANT TO THIS SUBPART.	<input type="checkbox"/>
42.	848.501(c)	FAILURE TO FIRST OBTAIN A LANDFILL PERMIT FROM THE AGENCY FOR TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92.	<input type="checkbox"/>
43.	848.502	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: (a) <input type="checkbox"/> Minimizes the need for further maintenance (b) <input type="checkbox"/> Removes all used and waste tires and any residues there from; and (c) <input checked="" type="checkbox"/> Protects human health during the removal and post removal periods.	<input checked="" type="checkbox"/>
44.	848.506(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92, THE OWNER/OPERATOR SHALL SUBMIT A PROPOSED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER RECEIPT OF THE KNOWN FINAL VOLUME OF USED TIRES.	<input type="checkbox"/>
45.	848.506(b)	THE OWNER OPERATOR SHALL BEGIN REMOVAL OF USED AND WASTE TIRES IN ACCORDANCE WITH THE APPROVED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER WRITTEN AGENCY APPROVAL, UNLESS THE TIRE REMOVAL AGREEMENT SPECIFIES OTHERWISE	<input type="checkbox"/>
PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS			
46.	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"/>
47.	848.601(b)	NO PERSON SHALL PROVIDE, DELIVER OR TRANSPORT USED OR WASTE TIRES TO A TIRE TRANSPORTER FOR 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"/>
48.	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 VEHICLES WHICH DISPLAYS A NUMBER ISSUED BY THE AGENCY FOLLOWING THE WORDS "Registered Tire Transporter: (number)."	<input type="checkbox"/>
49.	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"/>

OTHER REQUIREMENTS

50.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
51.		APPARENT VIOLATION OF: <input type="checkbox"/> PCB; CASE NUMBER: <input type="checkbox"/> CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
52.	55(k)(1)	No person shall cause or allow water to accumulate in used or waste tires.	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Signature of Inspector(s) _____

Informational Notes:

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G, Chapter 1, Subchapter m, Part 848.
4. 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.
5. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
6. 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).
7. Items marked with an "NE" were not evaluated at the time of this inspection.

Illinois Environmental Protection Agency
Narrative Inspection Report

Site #: 1650205091

Date of Inspection: 5-8-12

County: Saline

Inspector: Phillip Fatka

Site Name: Bishop's Truck Service, Inc

Weather: ~75°F, Sunny

General Remarks

This inspection was made to gauge this site's compliance with their Tire Removal Agreement (TRA). Garrison Gross accompanied me on the site inspection. The inspection began at approximately 11:30am and concluded around 12:25pm. We entered the business and spoke with a secretary who informed us that Tod Bishop was unavailable. Mr. Bishop arrived on-site and spoke to us ~12:00pm. Twenty-five (25) pictures were taken of the waste, which consisted of used tires, estimated to be approximately 8,000 passenger tire equivalents (PTE), general construction and/or demolition debris (GC/DD), and automotive salvage residue (ASR), sometimes referred to as "fluff".

After speaking with the secretary, we headed to the yard. Upon exiting the shop we observed several truck tires in and around a box trailer in the North West portion of the yard. Some of these tires were holding water, and mosquito larvae were observed in these tires. After documenting this we observed the area of General Construction and/or Demolition Debris where a building had burned down and been demolished. Landscape waste and dimensional lumber had been loaded in a metal cylinder about 2 yds by 2 yds, but there was no evidence of recent burning.

We then headed to the tire disposal site. The de-rimming shears had been moved and partially combusted GC/DD and tires were also observed. There was a patch of fence 10-15 yards long where the aluminum privacy slats had been melted, and a black residue was on the ground and in the ditch outside of the fence. This black residue was also seen re-entering the site from the ditch. Roughly 150 combusted and partially combusted tires were observed. The tire piles had all been moved away from the fence. There were three main accumulations, pile #1 running along the on-site storm water ditch, pile #2 being parallel to the fence, and pile #3 being ~3 smaller piles between #1 and #2 and including the partially combusted tires. Many of these tires had been treated with a larvicide, but mosquito larvae were observed in tires in pile #2 and in tires in heavy vegetation that was growing near and around the accumulations of tires that composed pile #3. Numerous adult mosquitoes were also seen flying around the tires and vegetation. Smaller piles of tires and ASR were also observed near the tire disposal stockpiles.

On the way back to the shop more than 20 drums in and near a panel van were observed. Several drums were corroded and compromised, and many were missing bungs. They were not labeled, and the area around these drums smelled of hydrocarbons.

As we were heading back to the shop we met with Tod Bishop. He informed us that the tire fire happened ~4-5 weeks ago. He said that leaves in the ditch outside of the fence caught on fire and set the tires adjacent to the fence on fire. We informed him that he should have notified the Agency at the time of the event. Mr. Bishop stated that it had been difficult and costly to dispose of the tires from the site. During the discussion, he admitted that most of the tires had been generated during the auto salvaging operations. The report supplied by the Harrisburg Fire Department indicates that the fire occurred on April 10, 2012, and lists the cause of this fire as "Undetermined".

Narrative

LPC #1650205091 – Saline County
Harrisburg/Bishop's Truck Service, Inc.
Page 2 of 2

Additional Information:

A search of County records indicates that Hillary (deceased) and Leota Humm is the owner of record for this property. Agency records indicate that Bishop's Truck Service, Inc. is purchasing this property Contract for Deed. The parcel number is 06-1-136-01 and contains approximately 2.5 acres. Agency records show Leota Humm's mailing address as P.O. Box 282, Harrisburg, IL 62946, and records at the Saline County Assessor's Office show that the tax bill is being sent to 315 E Gaskin St, Harrisburg, IL 62946.

Inspection Findings:

The Tire Removal Agreement that this site had entered into is not being adhered to. The TRA required that 18 tons of used tires be properly disposed of every quarter, with receipts being sent to the Agency as they were generated. Receipts for disposal of 21.2 tons of tires were received on February 1, 2012 and for disposal of 30.97 on May 30, 2012. There was only one receipt packet (for 15 tons) for used tire disposal from August 2009 through January 31, 2012. The tire piles were required to be treated to prevent mosquito from breeding in them. While tires are being treated to prevent mosquito problems, the tires are not being sufficiently treated, and mosquito larva were found. These larvae were sampled on September 7, 2011 by the IEPA and identified after by the IL Department of Public Health to be *Culex pipiens* (house mosquito) and *Aedes albopictus* (Asian tiger mosquito). Both these species are known to be vectors of West Nile Virus. The Egyptian Health Department has found positive results for West Nile Virus within a half-mile of this site.

Not to scale

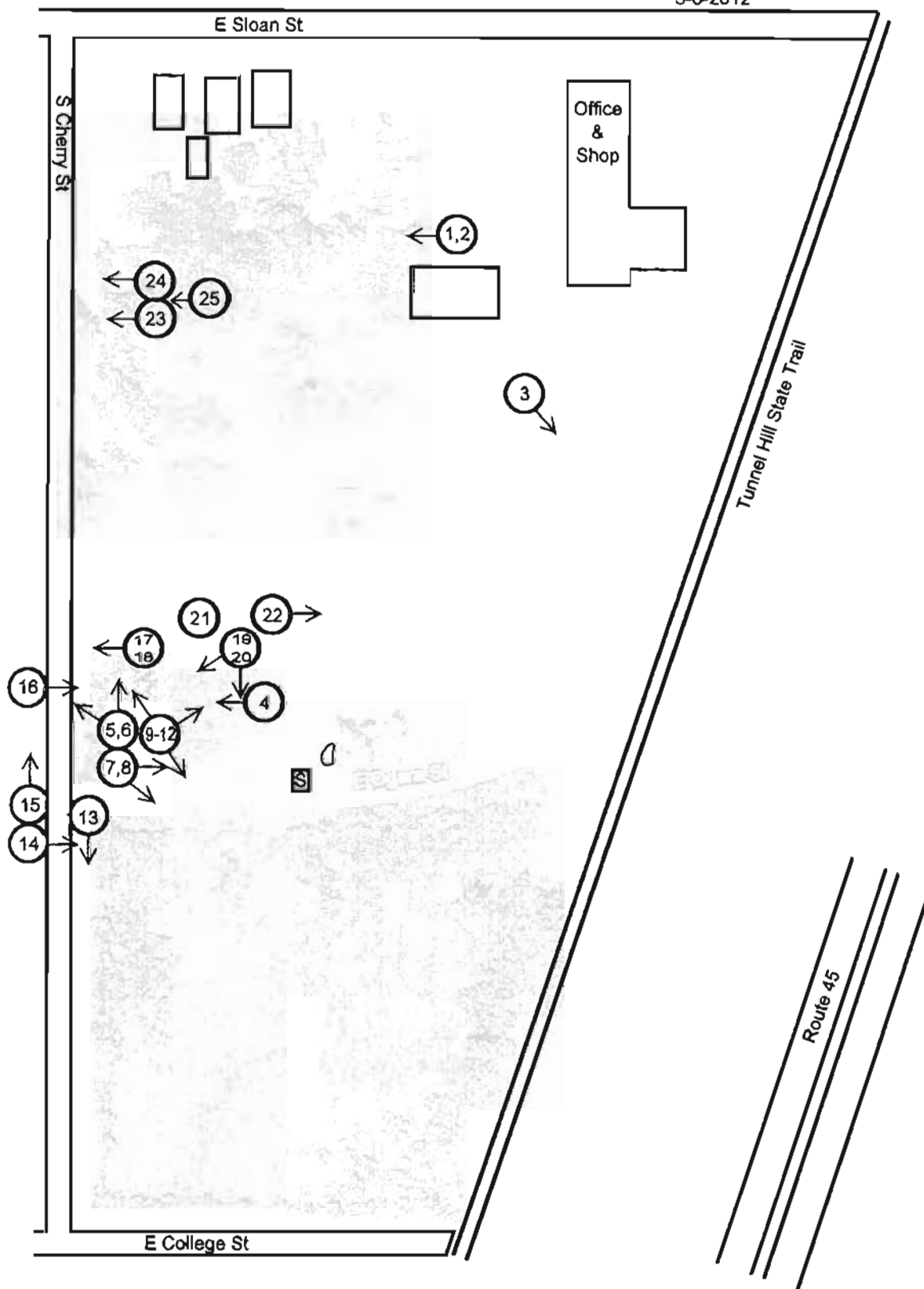
All locations approximate



N

→ Direction and number of photo

1650205091 -- Saline County
Harrisburg/Bishop's Truck Service, Inc
5-8-2012





DIGITAL PHOTOGRAPHS



Date: 5-8-12
Time: 11:35am
Direction: W
Photo by: P. Fatka
Exposure #: 001
Comments: Truck tires
stored near the shop area.



Date: 5-8-12
Time: 11:36am
Direction: Down
Photo by: P. Fatka
Exposure #: 002
Comments: Water in a
truck tire stored near the
shop area. Mosquito
larvae were observed.

File Names: 1650205091-05082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5-8-12
Time: 11:38am
Direction: SE
Photo by: P. Fatka
Exposure #: 003
Comments: Metal tube loaded with landscape waste and dimensional lumber. Ashes and partially combusted material visible in the bottom of this tube indicate that it has been used for burning in the past.



Date: 5-8-12
Time: 11:40am
Direction: W
Photo by: P. Fatka
Exposure #: 004
Comments: Partially combusted dimensional lumber.

File Names: 1650205091~05082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5-8-12
Time: 11:41am
Direction: NW
Photo by: P. Fatka
Exposure #: 005
Comments: Fire damaged fence.



Date: 5-8-12
Time: 11:42am
Direction: N
Photo by: P. Fatka
Exposure #: 006
Comments: Waste tires.
Tires in center are partially combusted.

File Names: 1650205091~05082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5-8-12
Time: 11:42am
Direction: E
Photo by: P. Fatka
Exposure #: 007
Comments: Closer view of partially combusted tires.



Date: 5-8-12
Time: 11:42am
Direction: SE
Photo by: P. Fatka
Exposure #: 008
Comments: Waste tires. Partially and fully combusted waste tires in center.

File Names: 1650205091~05082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



**Date: 5-8-12
Time: 11:43am
Direction: Down
Photo by: P. Fatka
Exposure #: 009
Comments: Partially
combusted waste tires.**



**Date: 5-8-12
Time: 11:43am
Direction: SE
Photo by: P. Fatka
Exposure #: 010
Comments: Waste tires.**

File Names: 1650205091~05082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5-8-12
Time: 11:44am
Direction: NE
Photo by: P. Fatka
Exposure #: 011
Comments: Waste tires.



Date: 5-8-12
Time: 11:44am
Direction: NW
Photo by: P. Fatka
Exposure #: 012
Comments: Waste tires.

File Names: 1650205091~05082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5-8-12
Time: 11:44am
Direction: S
Photo by: P. Fatka
Exposure #: 013
Comments: Tire residue
in storm water drainage
ditch.



Date: 5-8-12
Time: 11:45am
Direction: W
Photo by: P. Fatka
Exposure #: 014
Comments: Tire residue
in storm water drainage
ditch outside of facility
fence.

File Names: 1650205091~05082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5-8-12
Time: 11:45am
Direction: N
Photo by: P. Fatka
Exposure #: 015
Comments: Storm water drainage ditch adjacent to area of tire fire.



Date: 5-8-12
Time: 11:46am
Direction: E
Photo by: P. Fatka
Exposure #: 016
Comments: Closer view of storm water drainage ditch adjacent to location of tire fire.

File Names: 1650205091~05082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5-8-12
Time: 11:49am
Direction: Down
Photo by: P. Fatka
Exposure #: 017
Comments: Waste tire holding water and leaf litter. Mosquito larvae were observed in this tire.



Date: 5-8-12
Time: 11:49am
Direction: W
Photo by: P. Fatka
Exposure #: 018
Comments: Pile where tires holding water and mosquito larvae were observed.

File Names: 1650205091-05082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5-8-12
Time: 11:53am
Direction: SW
Photo by: P. Fatka
Exposure #: 019
Comments: Waste tires adjacent to and in heavy vegetation.



Date: 5-8-12
Time: 11:53am
Direction: S
Photo by: P. Fatka
Exposure #: 020
Comments: Waste tire pile.

File Names: 1650205091~05082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5-8-12
Time: 11:54am
Direction: Down
Photo by: P. Fatka
Exposure #: 021
Comments: Waste tire in heavy vegetation holding water. Mosquito larvae were observed in this tire, and many adult mosquitoes were observed in this area.



Date: 5-8-12
Time: 11:55am
Direction: E
Photo by: P. Fatka
Exposure #: 022
Comments: ASR and other debris.

File Names: 1650205091~05082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5-8-12
Time: 11:57am
Direction: W
Photo by: P. Fatka
Exposure #: 023
Comments: Unlabeled 55-gallon drum with compromised lid.



Date: 5-8-12
Time: 11:57am
Direction: W
Photo by: P. Fatka
Exposure #: 024
Comments: Unlabeled 55-gallon drum with open bung.

File Names: 1650205091~05082012-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 5-8-12
Time: 11:58am
Direction: W
Photo by: P. Fatka
Exposure #: 025
Comments: ~20 drums,
unlabeled or with
unreadable labels.

Date: 5-8-12
Time:
Direction:
Photo by: P. Fatka
Exposure #:
Comments:

No Photograph

File Names: 1650205091~05082012-[Exp. #].jpg

RECEIVED
CLERK'S OFFICE

JUN 18 2012

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

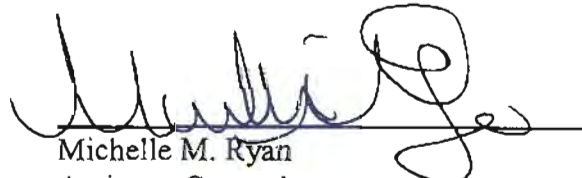
I hereby certify that I did on the 13th day of June 2012, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Leota Humm
315 E. Gaskin St.
Harrisburg, IL 62946

Perry L. Bishop, Registered Agent
Bishop's Truck Service, Inc.
501 South Cherry Street
Harrisburg, IL 62946

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
Illinois 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