

ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**  
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**NOV 09 2012**

**STATE OF ILLINOIS**  
**Pollution Control Board**

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Complainant, )

v. )

HUGES TIRE & BATTERY COMPANY, )

Respondent. )

AC 13-11  
(IEPA No. 206-12-AC)  
(Administrative Citation)

NOTICE OF FILING

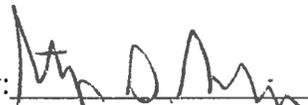
**ORIGINAL**  
**RETURN TO CLERK'S OFFICE**

To: Michelle M. Ryan  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
PO Box 19276  
Springfield, IL 62794-9276

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 entitled Amended Petition for Review of Administrative Citation of the IEPA Dated August 27, 2012.

Dated: November 2, 2012

Respectfully submitted,

By:   
Stephen G. Andich

Stephen G. Andich  
Andich & Andich  
1800 Third Avenue, Suite 404  
Rock Island, Illinois 61201  
Telephone: (309) 788-9332  
Facsimile: (309) 788-9332

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AMENDED PETITION FOR REVIEW OF ADMINISTRATIVE CITATION  
OF THE IEPA DATED AUGUST 27, 2012

NOW COMES HUGHES TIRE & BATTERY COMPANY, by its attorney, Stephen G. Andich, and Petitions for Review of Administrative Citation of the IEPA, dated August 27, 2012, and states as follows:

1. This proceeding concerns a facility located at 730 - 31<sup>st</sup> Avenue, Suite 2, Rock Island, Rock Island County, Illinois (not Milan as set forth in the IEPA Administrative Citation statement of facts).
2. A field inspector for the Illinois Environmental Protection Agency (Gerald S. McGhee) inspected the above-property on July 27, 2012 and alleges Respondent violated Section 55(k)(1) of the Environmental Protection Act 415 ILCS.
3. McGhee found "a few used tires outside the building that were not protected from accumulating water..." The inspection took place on a work day during operating business hours in a busy tire shop where tires are regularly moved in and out of the shop.
4. The inspector found one used tire that contained water. No larval mosquitoes were observed (indicating a recent accumulation) and the amount of water was so minute it could

not be sampled. In fact, one sheet of paper towel blotted the area dry. There must be a point at which a few drops of water in one tire does not constitute a violation of the Act.

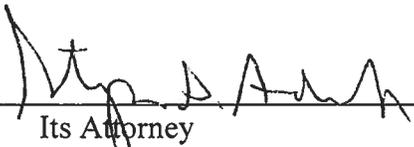
5. This location now only operates as a storage site and not as a generating site.

6. The number of tires outside and unprotected was reduced from several thousand to several tires. Attached hereto are photographs of the premises taken in October, 2012 which shows the current, compliant condition of the facilities.

7. The Respondent has made tremendous progress in the previous year to rectify all the violation while struggling to financially survive in a depressed marketplace. The poor local economy created uncontrollable circumstances which prevented Respondent from complying with the Act.

WHEREFORE, Respondent prays the finding of the IEPA be reversed and there be a finding of no violation. In the alternative, in the event the Board finds there is a violation, that the civil penalty be vacated.

HUGES TIRE & BATTERY COMPANY,  
Respondent.

By:   
Its Attorney

Stephen G. Andich  
Andich & Andich  
1800 Third Avenue, Suite 404  
Rock Island, Illinois 61201  
Telephone: (309) 788-9337  
Facsimile: (309) 788-9332

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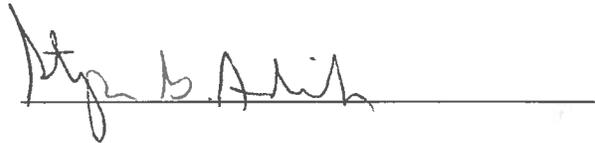
PROOF OF SERVICE

I hereby certify that I did on the 2 day of November, 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 Amended Petition for Review of Administrative Citation of the IEPA Dated August 27, 2012.

To: Michelle M. Ryan  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
PO Box 19276  
Springfield, IL 62794-9276

And the original and 9 copies of the same foregoing instrument 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, IL 60601



Stephen G. Andich  
Andich & Andich  
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Rock Island, Illinois 61201  
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Facsimile: (309) 788-9332

