



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, DIRECTOR

(217) 782-9817

TDD: (217) 782-9143

January 15, 2013

AC 13-34

RECEIVED
CLERK'S OFFICE

JAN 17 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
Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. Colonial Brick Co., Inc. and Rodney N. Brown d/b/a Brown Trucking & Ready Mix
IEPA File No. 322-12-AC; 0950055025—Knox 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 Tire Storage Site Inspection 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

RECEIVED
CLERK'S OFFICE

JAN 17 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

COLONIAL BRICK CO., INC. and RODNEY
N. BROWN D/B/A BROWN TRUCKING &
READY MIX,

Respondents.

AC 13-34

(IEPA No. 322-12-AC)

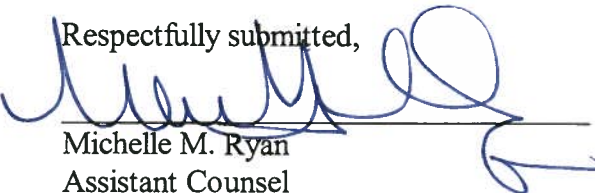
NOTICE OF FILING

To: Colonial Brick Co. Inc.
c/o Phil Mumford, Reg. Agent
2222 S. Halsted Street
Chicago, IL 60608

Rodney Brown Trucking & Ready Mix
Attn: Rodney N. Brown
914 S. Market Street
Knoxville, IL 61448-1298

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 TIRE STORAGE SITE 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: January 15, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

JAN 17 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
COLONIAL BRICK CO., INC., and RODNEY)
N. BROWN D/B/A BROWN TRUCKING &)
READY MIX,)
)
)
Respondents.)

AC 13-34

(IEPA No. 322-12-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 Colonial Brick Co., Inc. is the current owner and Rodney N. Brown d/b/a Brown Trucking & Ready Mix is the current operator ("collectively Respondents") of a facility located at 308 E. Latimer Street, Abingdon, Knox County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rod Brown Trucking & Ready Mix.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0950055025.

3. That Respondents have owned/operated said facility at all times pertinent hereto.

4. That on December 12, 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 1-15-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7010 2780 0002 1167 5775 - Colonial Brick Co., Inc.
7010 2780 0002 1167 5768 - Rodney Brown
VIOLATIONS

Based upon direct observations made by Gerald McGhee during the course of the December 12, 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 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).
- (3) 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 February 28, 2013, 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, Respondents 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. Kim, Director
Illinois Environmental Protection Agency

Date:

1/14/2013

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC
)	
v.)	(IEPA No. 322-12-AC)
)	
COLONIAL BRICK CO., INC., and RODNEY N. BROWN D/B/A BROWN TRUCKING & READY MIX,)	
)	
)	
Respondents.)	

FACILITY: Rod Brown Trucking & Ready Mix

SITE CODE NO.: 0950055025

COUNTY: Knox

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: December 12, 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.

AFFIDAVIT

IEPA DOCKET NO.

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 December 12, 2012, between 11:00 a.m. and 11:30 a.m., Affiant conducted an inspection of the tire storage site in Knox County, Illinois, known as Rod Brown Trucking & Ready Mix, Illinois Environmental Protection Agency Site No. 0950055025.

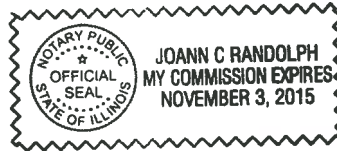
3. Affiant inspected said Rod Brown Trucking & Ready Mix tire storage site by an on-site inspection, which included walking and photographing the site.

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 Rod Brown Trucking & Ready Mix tire storage site.

Gerald S. McEwen

Subscribed and Sworn to before
me this 14th day of December, 2012

Jo Ann C. Randolph
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Tire Storage Site Inspection Checklist

County: Knox LPC#: 0950055025 Region: 3 - Peoria

City/Facility Name: Abingdon / Rod Brown Trucking & Ready Mix

Facility Location: 308 E. Latimer Telephone: 309-462-3570

Date: 12/12/2012 Time: From 11:00am To 11:30am Previous Inspection Date: 07/20/2012

Inspector(s): Jeb McGhee No. of Photos Taken: # 21

Weather: Sunny 44° F No. of Samples Taken:

Interviewed: Rod Brown Complaint #:

Waste Tire Hauler Used: Hauler Registration Number:

Responsible Party Mailing Address(es): Colonial Brick Co., Inc.
c/o Phil Mumford, Registered Agent
2222 S. Halsted Street
Chicago, IL 60608

Rod Brown Trucking & Ready Mix
Attn: Rodney N. Brown
914 S. Market Street
Knoxville, IL 61448-1298

1300

Estimated Number of Used Tires Located At This Facility, including altered, converted and reprocessed tires.

SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1	21(k) FAIL OR REFUSE TO PAY ANY FEE IMPOSED UNDER THIS ACT	<input checked="" type="checkbox"/>
2	55(a)(4) CAUSE OR ALLOW THE OPERATION OF A TIRE STORAGE SITE EXCEPT IN COMPLIANCE WITH BOARD REGULATIONS Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
3	55(b-1) NO PERSON SHALL KNOWINGLY MIX ANY USED OR WASTE TIRE, EITHER WHOLE OR CUT, WITH MUNICIPAL WASTE	<input type="checkbox"/>
4	55(c) FAILURE TO FILE THE REQUIRED NOTIFICATION WITH THE AGENCY BY 1/1/90 OR WITHIN 30 DAYS OF COMMENCEMENT OF THE STORAGE ACTIVITY.	<input checked="" type="checkbox"/>
5	55(d)(1) CAUSE OR ALLOW THE OPERATION OF A TIRE STORAGE SITE WHICH CONTAINS MORE THAN 50 USED TIRES WITHOUT MEETING THE FOLLOWING REQUIREMENTS BY JANUARY 1 OF EACH YEAR: i. Register the Site with the Agency ii. Certify to the Agency that the Site Complies with any Applicable Standards Adopted by the Board Pursuant to Section 55.2 iii. Report to the Agency the Number of Tires Accumulated, the Status of Vector Controls, and the Actions Taken to Handle and Process the Tires iv. Pay the Fee Required under Subsection (b) of Section 55.6	<input checked="" type="checkbox"/>
6	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. Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
7	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"/>
8	55(g) 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"/>
9	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"/>

10	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"/>
11	55.6(b)	FAILURE OF THE OWNER OR OPERATOR OF A TIRE STORAGE SITE TO PAY TO THE AGENCY AN ANNUAL FEE OF \$100.00 BY JANUARY 1 OF EACH YEAR.	<input checked="" type="checkbox"/>
12	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 \$2.50 Per Tire Sold to be Paid to the Department of Revenue.	<input type="checkbox"/>
	(2)	Accept for Recycling Used Tires from Customers, at the Point of Transfer, in 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 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."	<input type="checkbox"/>
13	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"/>
14	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 type="checkbox"/>
PART 848, SUBPART B: MANAGEMENT STANDARDS			
15	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 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 checked="" 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"/>
	(5)	NOT Store Any Used or Waste Tire for More Than 14 Days after Receipt Without Altering, Reprocessing, Converting, Covering or Otherwise Preventing the Tire from Accumulating Water	<input type="checkbox"/>
	(7)	NOT Accept Any Used or Waste Tire from a Vehicle in Which More than 20 Tires Are Loaded Unless the Vehicle Displays a Placard Issued by the Agency Under Part 848: Subpart F	<input type="checkbox"/>
	(8)	NOT Accumulate Any Tires in an Area with a Grade Exceeding 2% Without Meeting the Requirements of 848.202(d)(3)	<input type="checkbox"/>
16	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 Section 848.203	<input checked="" type="checkbox"/>
	(2)	Meet the Record Keeping and Reporting Requirements of Part 848: Subpart C Note: Also Mark a Violation of Subpart C	<input checked="" type="checkbox"/>
	(3)	NOT Place or Accumulate any Used or Waste Tire in Any Pile Less Than 50 Feet From Grass, Weeds, Brush, Over-hanging Tree Limbs and Similar Vegetative Growth	<input type="checkbox"/>
	(4)	NOT Place or Accumulate any Used or Waste Tire in Any Tire Storage Unit That is More Than 20 Feet High by 250 Feet Wide by 250 Feet Long(Aisle Space Between Any Piles Within the Unit Shall Be Included in Determining the Width or Length of the Unit)	<input type="checkbox"/>

	(5)	NOT Place or Accumulate any Used or Waste Tires in any Tire Storage Unit Unless they meet: (A) <input type="checkbox"/> Tires are separated by a Berm 1.5 times the height of the tire pile (B) <input type="checkbox"/> Separation Requirements of this part.	<input type="checkbox"/>
17	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:	
	(1)	Completely Surround the Site by Fencing in Good Repair Which Is Not less than 6 Feet in Height	<input type="checkbox"/>
	(2)	Maintain an Entrance to the Area Where Used or Waste Tires are Located, Which is Controlled At all Times by an Attendant, Locked Entrance, Television Monitors, Controlled Roadway Access or Other Equivalent Mechanism	<input type="checkbox"/>
	(3)	Completely Surround the Area Where Used or Waste Tires Are Stored by an Earthen Berm or Other Structures Not Less Than 2 Feet in Height Capable of Containing Runoff Resulting from Tire Fires, and Accessible by Fire Fighting Equipment, Except that the Owner or Operator Shall Provide a Means for Access through or Over the Berm or Other Structure	<input type="checkbox"/>
18	848.203	CONTINGENCY PLAN REQUIREMENTS FOR STORAGE SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of Section 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 mosquitos and other nuisance organisms which may breed in water accumulations in used or waste tires.	<input type="checkbox"/>
	(c)	Immediately implement the contingency plan whenever there is a fire or run-off resulting from a tire fire, or whenever there is evidence of mosquito production.	<input 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 employee 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			
19	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"/>
20	848.204(b)	<u>STORAGE OF LESS THAN 500</u> TIRES WITHIN A BUILDING ALLOWED IF: (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"/>
21	848.204(c)	<u>IN ADDITION</u> 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:	<input type="checkbox"/>

	(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 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 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 Section 848, Subpart C	<input type="checkbox"/>
22	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			
23	848.205	OWNERS OR OPERATORS OF TIRE STORAGE 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 type="checkbox"/> Date of Pesticide Application (2) <input type="checkbox"/> Number of Used or Waste Tires Treated (3) <input type="checkbox"/> Amount of Pesticide Applied (4) <input type="checkbox"/> Type of Pesticide Used	<input 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 type="checkbox"/>
24	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 Storage Sites with More than 500 Used or Waste Tires			
25	848.302(a)	The owner/operator shall keep on site a: (1) <input checked="" type="checkbox"/> Daily Tire Record (2) <input checked="" type="checkbox"/> Annual Tire Summary	<input checked="" type="checkbox"/>
26	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"/>
27	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"/>
28	848.304	FAILURE TO MAINTAIN ON SITE AN ANNUAL TIRE SUMMARY FOR EACH CALENDAR YEAR THAT INCLUDES:	<input type="checkbox"/>
	(a)	The site number, name and address and the calendar year for which the summary applies.	<input type="checkbox"/>
	(b)(1)	The weight or volume of used or waste tires received at the site during the calendar year.	<input type="checkbox"/>
	(b)(2)	The weight or volume of used or waste tires transported from the site during the calendar year.	<input type="checkbox"/>
	(b)(3)	The total number of used or waste tires determined in PTE remaining in storage at the conclusion of the calendar year	<input type="checkbox"/>

	(b)(4)	The weight or volume of used or waste tires combusted during the calendar year.	<input type="checkbox"/>
29	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input checked="" type="checkbox"/>
30	848.305	FAILURE TO RETAIN REQUIRED RECORDS ON SITE FOR 3 YEARS	<input checked="" type="checkbox"/>
<p align="center">PART 848: SUBPART D: FINANCIAL ASSURANCE NOTE: Applies to Sites which have Stored 5000 or More Used or Waste Tires</p>			
31	848.400(b)(1)	AT TIRE STORAGE SITES AT WHICH TIRES ARE FIRST STORED ON OR AFTER 1/1/92. FAILURE TO COMPLY WITH SUBPART D PRIOR TO STORING ANY USED OR WASTE TIRES Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
32	848.400(b)(2)	AT TIRE STORAGE SITES AT WHICH TIRES ARE STORED 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"/>
33	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 type="checkbox"/>
34	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 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 type="checkbox"/>
35	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL TIRES.	<input type="checkbox"/>
36	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
<p align="center">PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS</p>			
37	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"/>
38	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"/>
39	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"/>
40	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"/>
<p align="center">THE FOLLOWING VIOLATIONS MAY BE CITED WHEN WASTES, INCLUDING TIRES, HAVE BEEN <u>DISPOSED</u> AT A TIRE STORAGE SITE</p>			
41	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS.	<input type="checkbox"/>
42	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>

43	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
44	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
45	21(a)	CAUSE OR ALLOW OPEN DUMPING <input checked="" type="checkbox"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE	<input checked="" type="checkbox"/>
46	21(d)(2)	CONDUCT A WASTE STORAGE OPERATION IN VIOLATION OF ANY REGULATIONS OR STANDARDS ADOPTED BY THE BOARD UNDER THIS ACT. Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
47	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE AT A SITE WHICH DOES NOT MEET THE REQUIREMENTS OF THIS ACT AND REGULATIONS. Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
48	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING	
	(1)	Litter	<input checked="" 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)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
49	55(a)	NO PERSON SHALL:	
	(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 type="checkbox"/>
	(5)	Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property	<input checked="" type="checkbox"/>
OTHER REQUIREMENTS			
50.		APPARENT VIOLATION OF: <input type="checkbox"/> PCB CASE NUMBER: <input type="checkbox"/> CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
51.	21(d)(1)	Conduct Any Waste-Storage, Waste-Treatment, or Waste-Disposal Operation: Without A Permit	<input checked="" type="checkbox"/>
52.	21(p)(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
53.	55(k)(1)	No Person Shall Cause or Allow Water to Accumulate in Used or Waste Tires	<input checked="" type="checkbox"/>
54.	815.201	Failure to File an Initial Facility Report With the Agency to Provide Information Concerning Location and Disposal Practices of the Facility	<input checked="" type="checkbox"/>
55.	812.101(a)	Failure to Submit an Application for a Permit to Develop and Operate a Landfill	<input checked="" type="checkbox"/>

Informational Notes:

- [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G, Chapter I, Subchapter m, Part 848.
- 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.
- 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection .

Narrative

On December 12, 2012, I conducted a Tire Storage Inspection from 11:00 a.m. until 11:30 a.m. at Rod Brown Trucking & Ready Mix located at 308 E. Latimer Street in Abingdon, Illinois. The facility is owned by Colonial Brick Co, Inc. It is operated by Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix. The inspection was conducted as a follow up to an Administrative Citation Warning Notice (ACWN) sent to the owner and operator on August 2, 2012.

I interviewed Rodney N. Brown. Mr. Brown explained that he contacted Liberty Tire Recycling shortly after he called me via/telephone on August 22, 2012 to discuss the suggested resolutions in the (ACWN). Mr. Brown also explained that some of the open dumped waste was pushed into piles after the buildings on site had been destroyed.

I questioned Mr. Brown about the origin of materials such as household waste, waste, E-waste, and furniture. He explained that such materials as household waste, E-waste, and furniture were brought to the site from a remodeling project in Galesburg, Illinois.

I observed about 300 used tires stored in part of a facility building that has collapsed as seen in photograph 1 and 5.

I observed approximately 175 used tires stored under a partially sided structure with a roof as seen in photographs 13, 14, and 15.

I observed about 850 used tires mostly off rims on the ground in a pile next to a remnant wall structure from a facility building. These used tires are not prevented from accumulating water. Many of the tires in the pile contained water/ice. See photographs 2, 6, 7, 18, 19, and 20. Sampling was not conducted.

I observed an open dump consisting of, but not limited to, household waste, landscape waste, construction/demolition debris, automotive waste, plastics, metal, E-waste, and furniture. (See photographs 2, 3, 4, 6, 8, 9, 10, 11, 12, 16, 17, and 21).

The following continuing apparent violations were observed:

1. Pursuant to Section 21(k) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(k)), no person shall fail or refuse to pay any fee imposed under this Act.

A violation of Section 21(k) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(k)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator failed to submit the required annual fee.**

2. Pursuant to Section 55(a)(4) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(4)), no person shall cause or allow the operation of a tire storage site except in compliance with Board Regulations.

A violation of Section 55(a)(4) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(4)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator are operating a tire storage site that does not comply with Board Regulations.**

3. Pursuant to Section 55(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(c)), no person shall fail to file the required notification with the Agency by 1/1/90 or within 30 days of commencement of the storage activity.

A violation of Section 55(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(c)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator failed to file the required notification with the Agency.**

4. Pursuant to Section 55(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(d)(1)), no person shall cause or allow the operation of a tire storage site which contains more than 50 used tires without meeting the requirements of this Section by January 1 of each year.

A violation of Section 55(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(d)(1)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator failed to meet the requirements of this Section.**

5. Pursuant to Section 55(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(e)), no person shall 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.

A violation of Section 55(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(e)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator are storing used or waste tires in violation of regulation adopted by the Board.**

6. Pursuant to Section 55.6(b) of the {Illinois} Environmental Protection Act (415 ILCS 5/55.6(b)), no person shall failure of the owner or operator of a tire storage site to pay to the Agency an annual fee of \$100.00.

A violation of Section 55.6(b) of the {Illinois} Environmental Protection Act (415 ILCS 5/55.6(b)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and**

Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator failed to pay the annual \$100.00 fee.

7. Pursuant to 35 Ill. Adm. Code 848.202(b)(2), accumulations of used or waste tires located outside of any building shall be separated from all buildings, whether on or off site, by 25 feet.

A violation of 35 Ill. Adm. Code 848.202(b)(2) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator are not separating accumulations of used or waste tires 25 feet from buildings on or off site.**

8. Pursuant to 35 Ill. Adm. Code 848.202(c)(1), in addition to the requirements set forth in Section 848.202(b), the owner or operator of a site at which more than 500 used or waste tires are located shall maintain a contingency plan which meets the requirements of Section 848.203.

A violation of 35 Ill. Adm. Code 848.202(c)(1) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator do not maintain a contingency plan which meets the requirements of Section 848.203.**

9. Pursuant to 35 Ill. Adm. Code 848.202(c)(2), in addition to the requirements set forth in Section 848.202(b), the owner or operator of a site at which more than 500 used or waste tires are located shall meet the record keeping and reporting requirements of Part 848 Subpart C.

A violation of 35 Ill. Adm. Code 848.202(c)(2) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator do not meet the record keeping and reporting requirements of Part 848 Subpart C.**

10. Pursuant to 35 Ill. Adm. Code 848.203(a), the owner/operator must meet the contingency plan requirements for storage sites with more than 500 tires.

A violation of 35 Ill. Adm. Code 848.203(a) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator do not have a contingency plan and does not meet the contingency plan requirements of Section 848.203.**

11. Pursuant to 35 Ill. Adm. Code 848.302(a), the owner or operator of a tire storage site that stores over 500 used or waste tires shall keep on site a daily tire record and an annual tire summary.

A violation of 35 Ill. Adm. Code 848.302(a) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator do not have on site a daily tire record or annual tire summary.**

12. Pursuant to 35 Ill. Adm. Code 848.304(c), the annual tire summary shall be submitted to the Agency by January 31 of each year.

A violation of 35 Ill. Adm. Code 848.304(c) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator failed to submit an annual tire summary by January 31 of the year 2010.**

13. Pursuant to 35 Ill. Adm. Code 848.305, copies of required records shall be maintained on the site for 3 years.

A violation of 35 Ill. Adm. Code 848.305 is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator do not maintain copies of required records for 3 years.**

14. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator caused or allowed open dumping of waste at the site.**

15. Pursuant to Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(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.

A violation of Section 21(d)(2) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator conducted a waste storage, waste treatment, and waste disposal operation at the site.**

16. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(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 which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator allowed waste to be stored, treated, and disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

17. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in litter.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator caused or allowed the open dumping of waste in a manner which resulted in litter.**

18. Pursuant to Section 55(a)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.

A violation of Section 55(a)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(1)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator caused or allowed the open dumping of used or waste tires.**

19. Pursuant to Section 55(a)(5) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(5)), no person shall abandon, dump or dispose of any used or waste tire on private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board cause or allow the operation of a tire storage site except in compliance with Board Regulations.

A violation of Section 55(a)(5) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(5)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator are operating a tire storage site that does not comply with Board Regulations.**

20. Pursuant to Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(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.

A violation of Section 21(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator conducted a waste storage, waste treatment, and waste disposal operation without a permit granted by the Illinois EPA.**

21. Pursuant to Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)), no person shall cause or allow the open dumping of waste in a manner that results in deposition of (i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or (ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

A violation of Section 21(p)(7) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(7)) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator caused or allowed the open dumping of waste in a manner which resulted in deposition of general or clean construction or demolition debris as defined in Section 3.160(b) of this Act.**

22. 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: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator allowed used or waste tires to accumulate water.**

23. Pursuant to Pursuant to 35 Ill. Adm. Code 815.201, all landfills regulated under this Part shall file an initial facility report with the Agency as specified in this Subpart to provide information concerning location and disposal practices of the facility.

A violation of 35 Ill. Adm. Code 815.201 is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator failed to file an initial facility report.**

0950055025 -- Knox County
Rod Brown Trucking & Ready Mix
FOS
Prepared By: Jeb McGhee
Inspection Date: December 12, 2012
Page 7 of 7

The following new apparent violation was observed:

24. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

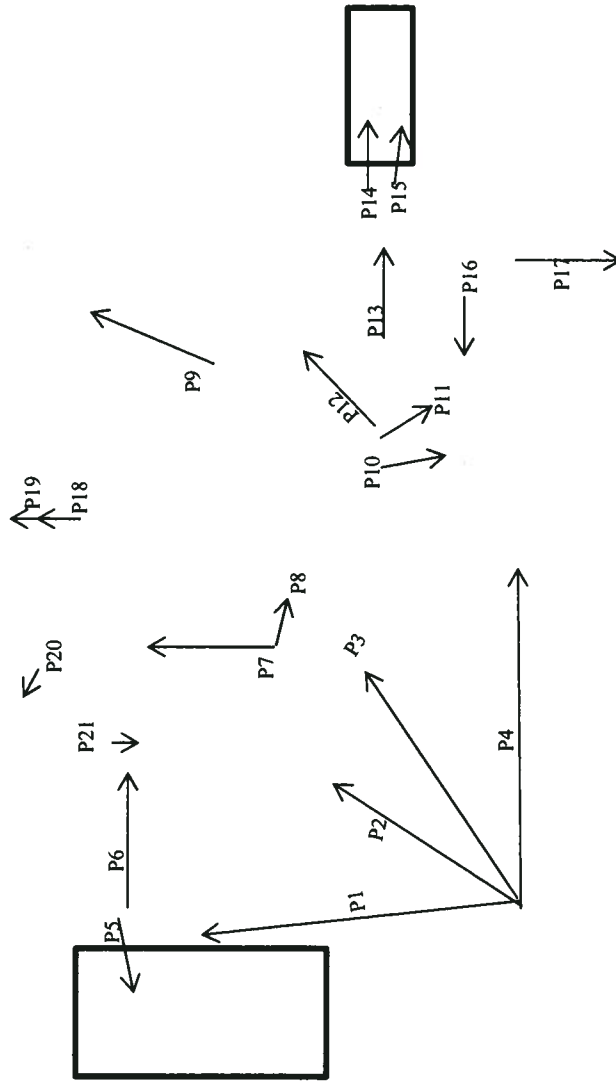
A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **Colonial Brick Co., Inc. as owner and Rodney N. Brown d/b/a Rod Brown Trucking & Ready Mix as operator developed and operated a landfill at the site without submitting an application for a permit to the Agency.**

State of Illinois Environmental Protection Agency Site Sketch

Inspector: Jeb McGhee LPC #: 0950055025
 Date of Inspection: December 12, 2012 County: Knox
 Site Name: Rod Brown Trucking & Ready Mix Time: 11:00 a.m. – 11:30 a.m..

N

R X R



E. Latimer Street

Not to Scale



DATE: December 12, 2012

TIME: 11:13 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the west

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
0950055025~12122012-001.jpg

COMMENTS: There are used
tires stored inside the building.



DATE: December 12, 2012

TIME: 11:13 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the northwest

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
0950055025~12122012-002.jpg

COMMENTS: A large pile of
used tires and other piles of open
dumped waste.



DOCUMENT FILE NAME:
0950055025~12122012.doc



DATE: December 12, 2012

TIME: 11:13 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the north northeast

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
0950055025~12122012-003.jpg

COMMENTS: A view of the
facility looking toward the north
northwest.



DATE: December 12, 2012

TIME: 11:13 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the north

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
0950055025~12122012-004.jpg

COMMENTS: A view of the
facility looking north.





DATE: December 12, 2012

TIME: 11:14 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the southeast

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
0950055025~12122012-005.jpg

COMMENTS: About 300 used
tires under the collapsing building.



DATE: December 12, 2012

TIME: 11:14 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the north

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
0950055025~12122012-006.jpg

COMMENTS: An open dump
consisting of, but not limited to,
used tires, construction/demolition
debris, household waste, landscape
waste, furniture, metal, and plastics.



DOCUMENT FILE NAME:
0950055025~12122012.doc



DATE: December 12, 2012

TIME: 11:15 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the west

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
0950055025~12122012-007.jpg

COMMENTS: About 800 used
tires. Most of the tires are semi
tires and most are not on rims.
These tires are not prevented from
accumulating water.



DATE: December 12, 2012

TIME: 11:15 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the northeast

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
0950055025~12122012-008.jpg

COMMENTS: An open dump
consisting of, but not limited to,
household waste, landscape waste,
construction/demolition debris,
plastics, and metal.



DOCUMENT FILE NAME:
0950055025~12122012.doc



DATE: December 12, 2012

TIME: 11:15 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the northwest

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
0950055025~12122012-009.jpg

COMMENTS: An open dump
consisting of, but not limited to,
household waste, landscape waste,
construction/demolition debris,
automotive waste, plastics, and
metal.



DATE: December 12, 2012

TIME: 11:16 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the east northeast

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
0950055025~12122012-010.jpg

COMMENTS: An open dump
consisting of, but not limited to,
household waste, landscape waste,
construction/demolition debris,
pallets, automotive waste, plastics,
metal, E-waste, and furniture. See
photograph 11 and 16. The pile is
eight feet high.



DOCUMENT FILE NAME:
0950055025~12122012.doc



DATE: December 12, 2012

TIME: 11:16 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the northeast

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
0950055025~12122012-011.jpg

COMMENTS: An open dump
consisting of, but not limited to,
household waste, landscape waste,
construction/demolition debris,
pallets, automotive waste, plastics,
metal, E-waste, and furniture. See
photograph 10 and 16. The pile is
eight feet high.



DATE: December 12, 2012

TIME: 11:16 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the west

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
0950055025~12122012-012.jpg

COMMENTS: An open dump
consisting of, but not limited to
construction/demolition debris and
landscape waste.



DOCUMENT FILE NAME:
0950055025~12122012.doc



DATE: December 12, 2012

TIME: 11:16 a.m.

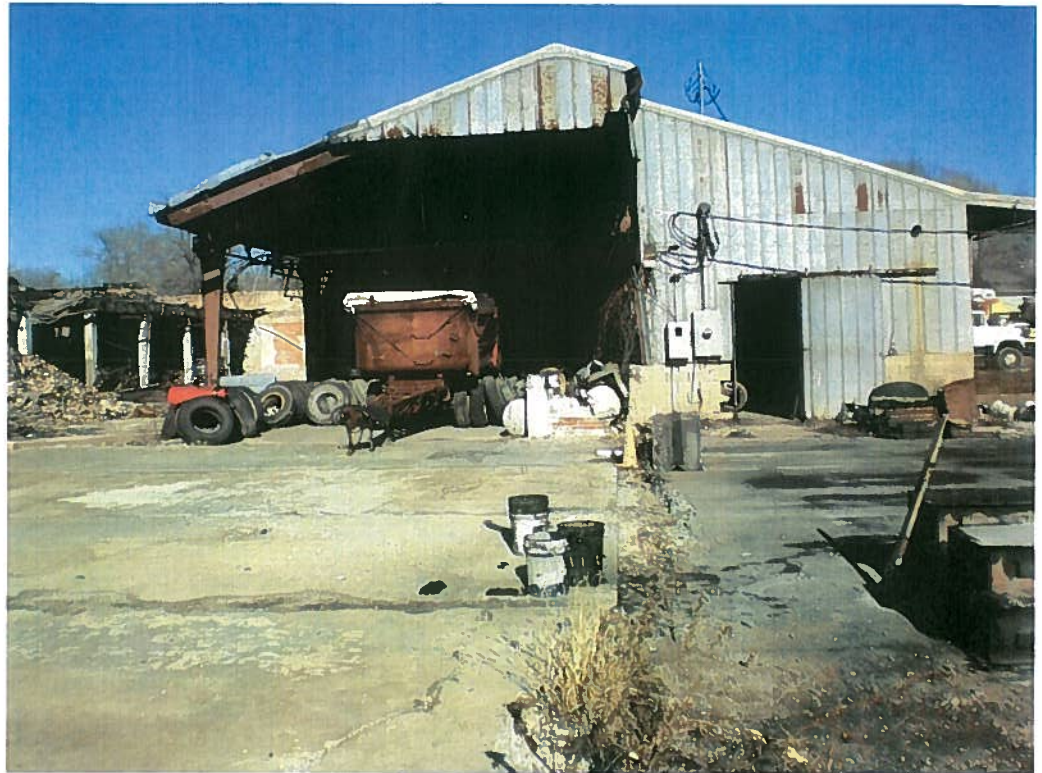
PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the north northwest

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
0950055025~12122012-013.jpg

COMMENTS: A building with
two open sides containing about
175 used semi tires also seen in
photographs 14 and 15.



DATE: December 12, 2012

TIME: 11:16 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the north

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
0950055025~12122012-014.jpg

COMMENTS: About 65 used
tires on and off rims. They are not
prevented from accumulating water.



DOCUMENT FILE NAME:
0950055025~12122012.doc



DATE: December 12, 2012

TIME: 11:17 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the northeast

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:
0950055025~12122012-015.jpg

COMMENTS: About 110 used
tires. Most are on rims.



DATE: December 12, 2012

TIME: 11:17 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the south

PHOTOGRAPH NUMBER: 16

PHOTOGRAPH FILE NAME:
0950055025~12122012-016.jpg

COMMENTS: An open dump
consisting of, but not limited to,
household waste, landscape waste,
construction/demolition debris,
pallets, automotive waste, plastics,
metal, E-waste, and furniture. See
photograph 10 and 11. The pile is
eight feet high.



DOCUMENT FILE NAME:
0950055025~12122012.doc



DATE: December 12, 2012

TIME: 11:18 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the east

PHOTOGRAPH NUMBER: 17

PHOTOGRAPH FILE NAME:
0950055025~12122012-017.jpg

COMMENTS: An open dump
consisting of, but not limited to
construction/demolition debris,
metal and plastics.



DATE: December 12, 2012

TIME: 11:19 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the west

PHOTOGRAPH NUMBER: 18

PHOTOGRAPH FILE NAME:
0950055025~12122012-018.jpg

COMMENTS: Used tires on site
are not prevented from
accumulating water as seen in
photographs 19 and 20.



DOCUMENT FILE NAME:
0950055025~12122012.doc



DATE: December 12, 2012

TIME: 11:19 a.m.

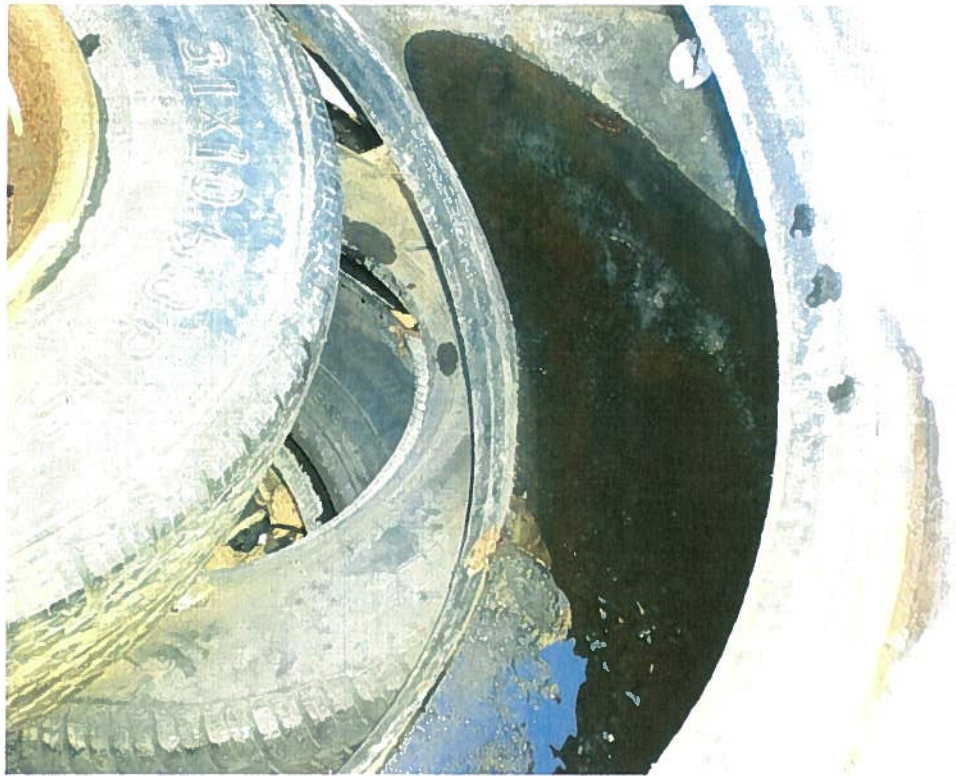
PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the west

PHOTOGRAPH NUMBER: 19

PHOTOGRAPH FILE NAME:
0950055025~12122012-019.jpg

COMMENTS: Many used tires on
site contain water a lot of water like
this one. Sampling for larval
mosquitos could not be conducted.



DATE: December 12, 2012

TIME: 11:20 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the southwest

PHOTOGRAPH NUMBER: 20

PHOTOGRAPH FILE NAME:
0950055025~12122012-020.jpg

COMMENTS: Many used tires on
site contain a lot of water like this
one. Sampling for larval mosquitos
could not be conducted.



DOCUMENT FILE NAME:
0950055025~12122012.doc



DATE: December 12, 2012

TIME: 11:22 a.m.

PHOTOGRAPHED BY:
Jeb McGhee

DIRECTION: Photograph taken
toward the east

PHOTOGRAPH NUMBER: 21

PHOTOGRAPH FILE NAME:
0950055025~12122012-021.jpg

COMMENTS: An open dump
consisting of, but not limited to,
construction/demolition debris,
household waste, metals, plastics,
and furniture.



WWW.CYBERDRIVEILLINOIS.COM**JESSE WHITE**
SECRETARY OF STATE**CORPORATION FILE DETAIL REPORT**

Entity Name	COLONIAL BRICK COMPANY, INC.	File Number	49622619
Status	ACTIVE		
Entity Type	CORPORATION	Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	02/13/1970	State	ILLINOIS
Agent Name	PHIL MUMFORD	Agent Change Date	03/22/1989
Agent Street Address	2222 S HALSTED	President Name & Address	PHIL MUMFORD 2222 S HALSTED CHICAGO 60608
Agent City	CHICAGO	Secretary Name & Address	PHIL MUMFORD 2222 S HALSTED CHICAGO 60608
Agent Zip	60608	Duration Date	PERPETUAL
Annual Report Filing Date	12/19/2011	For Year	2012

[Return to the Search Screen](#)[Purchase Certificate of Good Standing](#)

(One Certificate per Transaction)

[BACK TO CYBERDRIVEILLINOIS.COM HOME PAGE](#)

WARRANTY DEED

Statutory (ILLINOIS)

(Corporation to Corporation)

(The Above Space For Recorder's Use Only)

Rod Brown Trucking & Ready Mix
FOS

BOOK 1242 PAGE 07

THE GRANTOR, GOODWILL INDUSTRIES OF CHICAGO AND COOK COUNTY, ILLINOIS,
an Illinois not for profit corporation
created and existing under and by virtue of the laws of the State of Illinois
and duly authorized to transact business in the State of Illinois for and in consideration
of Ten and NO/100ths (\$10.00) DOLLARS.

in hand paid, and pursuant to authority given by the Board of Directors of said corporation
CONVEYS and WARRANTS to COLONIAL BRICK CO., INC.

a corporation organized and existing under and by virtue of the laws of the State of Illinois
having its principal office at the following address 3344 W Cermak Rd
Chicago IL 60623, the following described Real Estate situated in the County of
and State of Illinois, to wit:

Lots 5, 6, 7 and 8 in Block 11, Lots 5, 6, 7 and 8 in Block 12, all
of Block 21 and all of Block 22 in Austin's Addition to the City of
Abingdon, Knox County, Illinois, together with vacated Monmouth
Street between Blocks 21 and 22 and between Blocks 11 and 12 and
vacated Harshbarger Street between Latimer Street and Adams Street,
in the City of Abingdon, Knox County, Illinois, as per plat thereof
recorded in Volume 2 of Plats, Page 66.

I certify that this conveyance is a true and correct
conveyance under Section 4, Paragraph 1 B
of the Illinois Transfer Act.
Witness my hand and seal this 16th day of January
19 85.
drs.

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 Executive Director and attested by its
Secretary, this 16th day of January, 19 85.

GOODWILL INDUSTRIES OF CHICAGO AND COOK COUNTY, ILLINOIS

(NAME OF CORPORATION)

BY Harry H. Woodward, Jr.
Harry H. Woodward, Jr., Executive Director

ATTEST Mary Milano SECRETARY

State of Illinois, County of Cook, ss. I, the undersigned, a Notary Public, in and for the
County and State aforesaid, DO HEREBY CERTIFY that Harry H. Woodward, Jr.,
personally known to me to be the Executive Director of the GOODWILL INDUSTRIES OF CHICAGO
AND COOK COUNTY, ILLINOIS, an Illinois not for profit

corporation, and Mary Milano personally known to me to be
the Secretary of said corporation, and personally known to
me to be the same persons whose names are subscribed to the foregoing instru-
ment, appeared before me this day in person and severally acknowledged that as
such Executive Director and Secretary, they signed
and delivered the said instrument as Executive Director and
Secretary 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 their free and voluntary act, and as the free and voluntary
act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 16th day of January, 19 85

Commission expires May 11th 1987 Ernestine M. Bird

Howard A. Thrun, Jr., HANSON & SHERS, P. C.
This instrument was prepared by 33 N. Dearborn Street, Chicago, Illinois 60602
(NAME AND ADDRESS)

MAIL TO: COLONIAL BRICK
3344 W CERMAK RD
CHICAGO ILL
60623

OR

RECORDER'S OFFICE BOX NO.

ADDRESS OF PROPERTY:
308 E. Latimer

Abingdon, Illinois 61410

THE ABOVE ADDRESS IS FOR STATISTICAL PURPOSES
ONLY AND IS NOT A PART OF THIS DEED.

SEND SUBSEQUENT TAX BILLS TO:

(Name)

(Address)

APPROPRIATE TAX OR REVENUE STAMPS HERE

DOCUMENT NUMBER

PROOF OF SERVICE

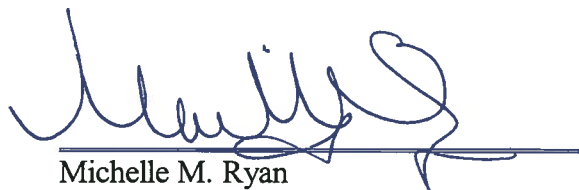
I hereby certify that I did on the 15th day of January 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and TIRE STORAGE SITE INSPECTION CHECKLIST

To: Colonial Brick Co. Inc.
c/o Phil Mumford, Reg. Agent
2222 S. Halsted Street
Chicago, IL 60608

Rodney Brown Trucking & Ready Mix
Attn: Rodney N. Brown
914 S. Market Street
Knoxville, IL 61448-1298

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

A handwritten signature in blue ink, appearing to read 'Michelle M. Ryan', is written over a horizontal line.

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