

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

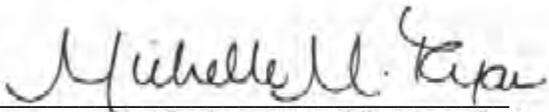
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2018-
	)	
v.	)	(IEPA No. 191-17-AC)
	)	
FRANCISCO RAMIREZ and KIM	)	
RAMIREZ	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

To: Francisco and Kim Ramirez  
710 Monroe Street #11  
Hanover, IL 61041

PLEASE TAKE NOTICE that on this date I electronically filed 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,



e-signature valid for IPCB e-filings ONLY

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: October 25, 2017

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2018-
	)	
v.	)	(IEPA No. 191-17-AC)
	)	
FRANCISCO RAMIREZ and KIM RAMIREZ,	)	
	)	
	)	
Respondents.	)	

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 (2014).

FACTS

1. That Francisco and Kim Ramirez (Respondents) are the present owners of a property located at 5 Enterprise Drive, Hanover, Jo Daviess County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Hanover/Elizabeth Tire.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0850255014.
3. That Respondents have operated said facility at all times pertinent hereto.
4. That on August 29, 2017, Shaun Newell of the Illinois Environmental Protection Agency's Rockford Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on October 25, 2017, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 3192.

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VIOLATIONS

Based upon direct observations made by Shaun Newell during the course of his August 29, 2017 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 water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2014).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), Respondents are jointly and severally subject to civil penalties of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of One Thousand Five Hundred Dollars (\$1,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalties specified above shall be due and payable no later than December 13, 2017 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 (2014), 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.

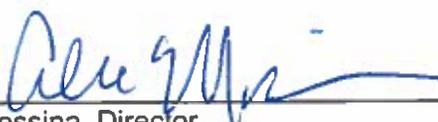
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2014), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the 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 Respondent 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 (2014). If Respondents elect to contest this Administrative Citation, then Respondents shall file a 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.

  
\_\_\_\_\_  
Alec Messina, Director  
Illinois Environmental Protection Agency

Date: 10/24/17

Prepared by: Dawn A. Hollis, 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 18-  
 )  
v. ) (IEPA No. 191-17-AC)  
 )  
FRANCISCO RAMIREZ and KIM )  
RAMIREZ, )  
 )  
 )  
 )  
Respondents. )

FACILITY: Hanover/Elizabeth Tire SITE CODE NO.: 0850255014  
COUNTY: Jo Daviess CIVIL PENALTY: \$1,500.00  
DATE OF INSPECTION: August 29, 2017

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.



Illinois Environmental Protection Agency

Bureau of Land & Field Operations Section

Follow-up Inspection

Date: August 30, 2017

To: Brian White  
Compliance Unit Regional Coordinator

From: Shaun Newell

Subject: 0850255014  
IEPA ID #  
Elizabeth Tire  
Facility Name

RECEIVED

OCT 02 2017

1 - Rockford IEPA/BOL

Region, DLPC/FOS  
Jo Daviess

County

USEPA ID #  
FOS File

Date of relevant previous inspection: 05/03/2017

A follow-up inspection on 08/29/2017 has resolved the following violations:			

[Check all applicable box(es)]

- All continuing violations from relevant previous inspection resolved.
- Continuing violations remaining.
- New violations cited; new VN attached.

Comments: A follow-up inspection on August 29, 2017 revealed the facility has not corrected the apparent used/waste tire violations noted on May 3, 2017. A UTACWN submitted on May 12, 2017 addressed the following apparent used/waste tire violations: Sections 55(a)(4), 55(e), 55.8(b), and 55(k)(1) of the {Illinois} Environmental Protection Act and Part 848.202(a)(1)(B) of 35 Illinois Adm. Code. A June 15, 2017 compliance date was

Electronic Filing: Received, Clerk's Office 10/25/2017 \* \* AC 2018-004 \* \*  
set during the inspection. No written response to the UTACWN was received by the  
Rockford Regional Office. Waste tires were observed stored outside with stagnant water  
and were found too close to a building. No waste tires have been recycled since the May  
3, 2017 inspection.

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LPC# 0850255014—Jo Daviess County  
Hanover/Elizabeth Tire  
(formerly Hanover Motors)  
FOS File

### NARRATIVE INSPECTION REPORT

On August 29, 2017, I (Shaun Newell) re-inspected the above referenced facility. The purpose of the inspection was to determine whether the facility is complying with Sections 55 of the Illinois Environmental Protection Act and Part 848: Management Standards; Title 35 of the Illinois Administrative Code. The facility is a large tire retail facility that generates both used/waste tires resulting from tire sales and repair. IEPA records show that owner/operator; Francisco & Kim Ramirez reside in Hanover, Illinois.

A previous used/waste tire inspection conducted on May 3, 2017 revealed several apparent used/waste tire violations: Sections 55(a)(4), 55(e), 55.8(b), and 55(k)(1) of {Illinois} Environmental Protection Act and Sections 848.202(a)(1)(B) of 35 Illinois Adm. Code. Used/waste tires were found outside accumulating water, failed to meet the separation distance requirements, and waste tires had accumulated on site longer than 90 days. These apparent used/waste tire violations were addressed in an Used Tire Administrative Citation Warning Notice (UTACWN) dated May 12, 2017. A compliance date of June 15, 2017 was set to correct the apparent used/waste tire violations. No written response was received by the facility. I made two phone calls to the owner/operator. Each time, the operators said they would respond in writing. As of August 31, 2017, no written response has been received from this facility. A follow-up inspection was scheduled for August 2017.

Upon arriving on site at 10:00 A.M., the weather was partly cloudy with temperatures near 68 degrees. I introduced myself to owner/operator, Francisco Ramirez. Kim Ramirez was not there during the inspection.

I requested a copy of a tire disposal receipt. Mr. Ramirez said that the facility has called several Illinois registered tire transporters and requested tire pickup. He said that none of them have showed up. No waste tires have been removed since the last inspection conducted on May 3, 2017.

I then suggested the need to inventory the used/waste tires on site. Inside the shop, there are 350-400 junk tires stacked near the north edge of the shop. Mr. Ramirez said there is no room inside the semi-trailer. Photograph 0850255014 ~082917-001 faces northwest showing the junk tires inside the shop. I did not inventory the used tires inside the shop.

Outside the facility, I observed the waste tires outside the shop. Waste tires were laced inside a bay located along the west side of the shop. I estimated there were 300 waste tires in this location. Photograph 0850255014~082917-002 faces east showing the junk tires under roof.

Two semi-trailers were found parked northwest of the shop. One semi-trailer contained used tires for resale, the other contained all waste tires. I estimated there were 1200 waste tires and 300 used tires. It would appear the used/waste tires are stored dry inside the trailer. Outside the semi-trailer, I observed 11 junk tires with stagnant water. Photograph 0850255014~082917-003 faces north showing the junk tires inside the semi-trailer and waste tires stacked outside.

Used/waste semi tires were found stored near the shop door and against the building. I counted 14 semi tires outside. Stagnant water was found inside the semi tires. Mr. Ramirez said some the semi tires were just accepted from the local township. Photograph 0850255014~082917-004 faces north showing the used/junk tires outside the shop.

LPC# 0850255014—Jo Daviess County  
Hanover/Elizabeth Tire  
(formerly Hanover Motors)  
FOS File

Photograph 0850255014~082917-005 faces northeast showing the used/waste semi tires too close to the outside of the shop.

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I left the site at 10:20 A.M.

Based on visual observation, the same apparent used/waste tire violations noted on May 3, 2017 remain unresolved. Sections 55(a)(4), 55(e), 55.8(b), 55(k)(1) of {Illinois} Environmental Protection Act and Section 848.202(a)(1)(B) of 35 Illinois Adm. Code.



STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 8-29-17

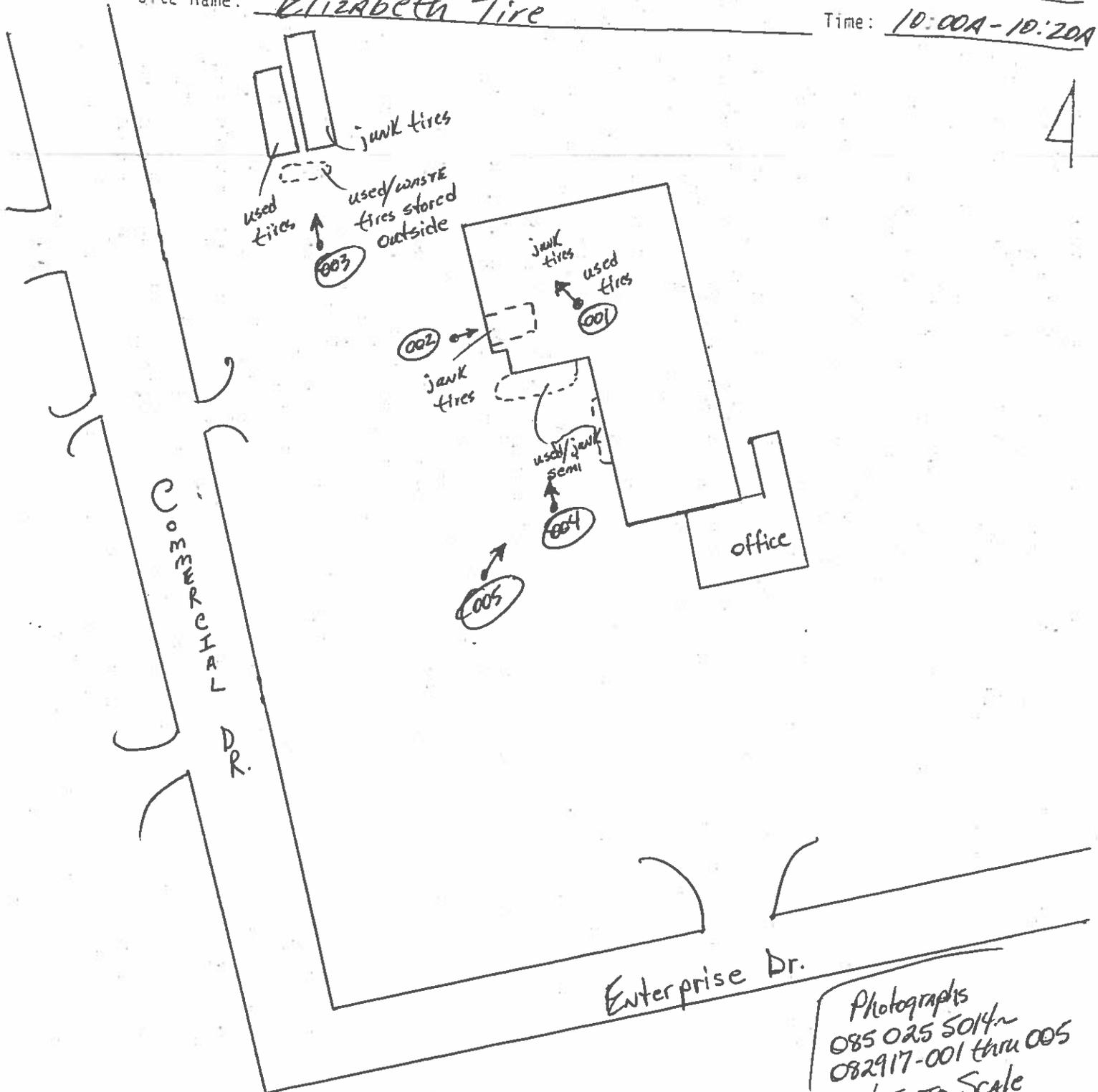
Inspector: NEWELL

Site Code: 0850255014

County: JO DAVIESS

Site Name: Elizabeth Tire

Time: 10:00A-10:20A



LPC #0850255014-Jo Daviess County  
Hanover/ Elizabeth Tire  
FOS File

**DIGITAL PHOTOGRAPH PHOTOCOPIES**

**DATE: August 29, 2017**  
**TIME: 10:05 A.M.**  
**DIRECTION: Northwest**  
**PHOTO by: S. Newell**  
**PHOTO FILE NAME:**  
**0850255014~082917-001**  
**COMMENTS: Facing NW**  
**showing the junk tires inside**  
**the shop.**



**DATE: August 29, 2017**  
**TIME: 10:10 A.M.**  
**DIRECTION: East**  
**PHOTO by: S. Newell**  
**PHOTO FILE NAME:**  
**0850255014~082917-002**  
**COMMENTS: Facing E**  
**showing the junk tires**  
**undercover at the side of the**  
**shop.**



**DATE:** August 29, 2017  
**TIME:** 10:15 A.M.  
**DIRECTION:** North  
**PHOTO by:** S. Newell  
**PHOTO FILE NAME:**  
0850255014~082917-003  
**COMMENTS:** Facing N  
showing the junk tires inside  
the semi-trailer.



**DATE:** August 29, 2017  
**TIME:** 10:18 A.M.  
**DIRECTION:** North  
**PHOTO by:** S. Newell  
**PHOTO FILE NAME:**  
0850255014~082917-004  
**COMMENTS:** Facing N  
showing the used/junk tires  
outside the shop.



**DATE:** August 29, 2017  
**TIME:** 10:20 A.M.  
**DIRECTION:** Northeast  
**PHOTO by:** S. Newell  
**PHOTO FILE NAME:**  
0850255014~082917-005  
**COMMENTS:** Facing NE  
showing the used/junk tires  
outside the shop.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF: )

Francisco & Kim Ramirez )

Respondent )

) IEPA DOCKET NO.  
)  
)

Affiant, Shaun Newell, 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 Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On August 29, 2017 between 10:00 am and 10:20 am, Affiant conducted an inspection of the facility located at 5 Enterprise Drive in Hanover, Illinois, 61041 located in Jo Daviess, Illinois. Said site has been assigned site code number BOL # 0850255014 by the Agency.
3. Affiant inspected said 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 facility.

Shaun Newell EPS III  
Shaun Newell EPS III

Subscribed and Sworn to Before Me  
this 31<sup>st</sup> day of August, 2017

Alberta Walker  
Notary Public



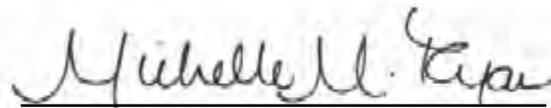
**PROOF OF SERVICE**

I hereby certify that I did on the 25<sup>th</sup> day of October, 2017, serve by Certified Mail, Return Receipt Requested, with postage thereon 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: Francisco & Kim Ramirez  
710 Monroe Street #11  
Hanover, IL 61041

and the original via electronic filing on October 25, 2017

To: Don Brown, Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601



e-signature valid for IPCB e-filings ONLY

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