



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

LISA BONNETT, DIRECTOR

RECEIVED
CLERK'S OFFICE
AUG 28 2013
STATE OF ILLINOIS
Pollution Control Board

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

 ORIGINAL

August 26, 2013

AC14-11

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. Lois and Virgil Melvin
IEPA File No. 223-13-AC; 2010306626—Winnebago 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).

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

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AUG 28 2013
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LOIS AND VIRGIL MELVIN,)
)
)
Respondents.)

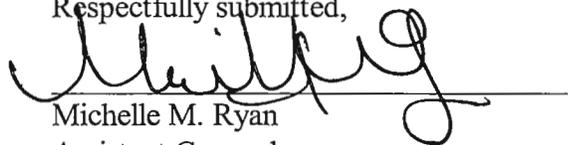
AC 14-11
(IEPA No. 223-13-AC)

NOTICE OF FILING

To: Virgil and Lois Melvin
7388 Faust Lane
Rockford, IL 61109

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: August 26, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
AUG 28 2013
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
LOIS AND VIRGIL MELVIN,)
Respondents.)

AC 14-11
(IEPA No. 223-13-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 Lois and Virgil Melvin are the owners ("Respondent's") of a facility located at 2426 West State Street, Rockford, Winnebago County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rockford/Melvin, Lois & Virgil.
2. That said facility is designated with Site Code No. 2010306626.
3. That Respondents have owned said facility at all times pertinent hereto.
4. That on July 11, 2013, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford 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 8-26-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7011 1150 0001 0862 2957.

VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of the July 11, 2013 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent's has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent's caused or allowed water to accumulate in used/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), Respondent's 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 One Thousand Five Hundred Dollars (\$1,500.00). If Respondent's elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than September 15, 2013, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent's 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, Respondent's 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 Respondent's 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, Respondent's 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 Respondent's 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's 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.

 Lisa Bonnett *sr SOP*

Date:

 8/16/13

Lisa Bonnett, Director
Illinois Environmental Protection Agency

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

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AUG 28 2013
STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
LOIS AND VIRGIL MELVIN,)
)
)
)
)
Respondents.)

AC 14-11
(IEPA No. 223-13-AC)

FACILITY: Rockford/Melvin, Lois & Virgil
SITE CODE NO.: 2010306626
COUNTY: Winnebago
CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: July 11, 2013

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.

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AUG 28 2013
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
Lois & Virgil Melvin,)
)
)
)
Respondent)

AC14-11

IEPA DOCKET NO.

Affiant, Donna Shehane, 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 July 11, 2013 between 1:55 pm and 2:05 pm, Affiant conducted an inspection of the facility at 2426 West State Street, Rockford, IL 61102, located in Winnebago County, Illinois. Said site has been assigned site code number BOL# 2010306626 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.

Donna Shehane

Donna Shehane EPS III

Subscribed and Sworn to Before Me
this 1st day of August, 2013

Lorraine A. Chappell
Notary Public



LPC # 2010306626

Inspection Date: 07/11/2013

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input type="checkbox"/>
9.	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"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:	Section 55(k)(1): Cause or Allow Water Accumulation in Used or Waste Tires	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. 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 references listed in 1. and 2. above.
4. 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.
5. 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).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

**2010306626 - Winnebago County
Rockford/Melvin Lois**

NARRATIVE INSPECTION REPORT DOCUMENT

On July 11, 2013, I (Donna Shehane) conducted an inspection at 2426 West State Street, Rockford, IL 61102. This facility was formerly known as "AB's Used Tire Shop," which was a tire retail facility. This facility is now closed. The weather at the time of this inspection was 81 °F with ENE winds and scattered clouds. The purpose of this inspection was to determine the site's regulatory status and evaluate compliance with the Illinois Environmental Protection Act and Title 35 Illinois Administrative Code, Subtitle G, Part 848, Management of Used Tires regulations. This facility has been inspected periodically due to continued dumping of used tires on the property although the facility is closed.

I arrived on site at approximately 1:55 pm after observing dumped off-rim used tires on-site. I inventoried the number of used tires at approximately 80 (See photos # 1 and # 2). This facility has not registered as a tire-storage site or paid the \$100 annual storage site fee for 2013. Water accumulation was observed inside some of the used tires (See photos # 3 and # 4).

I left the facility at about 2:05 pm.

The Lois and Virgil Melvin facility was found to be out of compliance at the time of this inspection. Apparent violations noted:

1. Section 55(a)(1) of the [Illinois] Environmental Protection Act ("Act").
2. Section 55(k)(1) of the Act.

END NARRATIVE BY DONNA SHEHANE

Print this page in a more readable format: Click **Print** next to the upper-right corner of the map.



Report a problem

BUSINESSES AT THIS ADDRESS

NEARBY

- see+do
- eat+drink
- shop
- picks for you



State of Illinois
Environmental Protection Agency
Site Sketch

Date: 7/11/2013

County: Winnebago

Site Code: 2010306626

Inspector: Shelome

Site Name: Melvin,

Time: 1:55 - 2:05
pm pm

Lois & Virgil

NOT TO SCALE

2010306626 ~ 071113-001-004



DIGITAL PHOTOGRAPHS

File Names: 2010306626~071113



Date: 07/11/2013
Time: 1:56 am
Direction: S
Photo by: Shehane
Exposure #: 001
Comments: used
tires dumped on
property



Date: 07/11/2013
Time: 1:57 am
Direction: S
Photo by: Shehane
Exposure #: 002
Comments: used
tires dumped on
property



DIGITAL PHOTOGRAPHS

File Names: 2010306626~071113



Date: 07/11/2013
Time: 1:57 am
Direction: S
Photo by: Shehane
Exposure #: 003
Comments:
Water accumulation in used tires



Date: 07/11/2013
Time: 1:57 am
Direction: S
Photo by: Shehane
Exposure #: 004
Comments:
Water accumulation in used tires

PROOF OF SERVICE

**RECEIVED
CLERK'S OFFICE**

AUG 28 2013

**STATE OF ILLINOIS
Pollution Control Board**

I hereby certify that I did on the 26th day of August 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 OPEN DUMP INSPECTION CHECKLIST

To: Virgil and Lois Melvin
7388 Faust Lane
Rockford, IL 61109

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


Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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