



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

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SEP 12 2013

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

STATE OF ILLINOIS
Pollution Control Board

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

September 10, 2013

AC14-15

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

 ORIGINAL

Re: Illinois Environmental Protection Agency v. Union National Bank Land Trust 1516
IEPA File No. 238-13-AC; 0370105255—DeKalb 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 Used Tire Storage Exempt 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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STATE OF ILLINOIS
Pollution Control Board

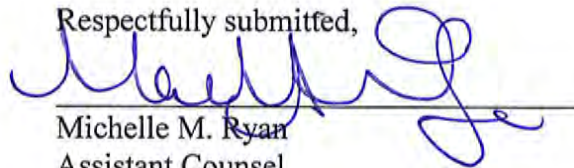
ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 UNION NATIONAL BANK LAND TRUST)
 1516,)
)
)
 Respondent.)

AC 14-15
 (IEPA No. 238-13-AC)

NOTICE OF FILING

To: Union National Bank Land Trust 1516
 Attention: Trust Division
 101 E. Chicago Street
 Elgin, IL 60123

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 USED TIRE STORAGE EXEMPT 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: September 10, 2013

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
UNION NATIONAL BANK LAND TRUST)
1516,)
)
)
Respondent.)

AC 14-15
(IEPA No. 238-13-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 Union National Bank Land Trust 1516 is the current owner ("Respondent") of a facility located at 1600 Pleasant Street, DeKalb, DeKalb County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as DeKalb/Union National Bank Land Trust 1516.
2. That said facility is designated with Site Code No. 0370105255.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on August 7, 2013, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 9-10-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7011 1150 0001 0863 8842.

VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of her August 7, 2013 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent 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), Respondent is 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 elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than October 21, 2013, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects 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 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 fails to petition or elects 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 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 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

Respondent has 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 Respondent elects to contest this Administrative Citation, then Respondent 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 Respondent.

Lisa Bonnett s/s SOP

Date:

9/9/13

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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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
UNION NATIONAL BANK LAND TRUST)
1516,)
)
)
)
Respondent.)

AC 14-15
(IEPA No. 238-13-AC)

FACILITY: DeKalb/Union National Bank Land Trust 1516
SITE CODE NO.: 0370105255
COUNTY: DeKalb
CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: August 7, 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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SEP 12 2013

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF:)
)
Union National Bank)
Land Trust 1516,)
)
Respondent)

IEPA DOCKET NO.

AC14-15

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 August 7, 2013 between 11:05 am and 11:10 am, Affiant conducted an inspection of the facility at 1600 Pleasant Street, DeKalb, Illinois located in DeKalb County, Illinois. Said site has been assigned site code number BOL# 0370105255 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 20th day of August, 2013

Lorraine A. Chappell
Notary Public



Illinois Environmental Protection Agency



Page 1 of 4
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STATE OF ILLINOIS
Pollution Control Board

Used Tire Storage Exempt Checklist

Note: This checklist is to be used for retail sites that have 250 or less used tires outside, or fewer than 1300 recyclable tires, 1300 tire carcasses and 1300 used tires stored dry.

County:	DeKalb	BOL ID #	0370105255	Region	Region 1 - Rockford		
Facility Name:	Union National Bank Land Trust 1516						
Facility Address:	1600 Pleasant Street						
City:	DeKalb	State:	IL	Zip:	60115	Phone:	
Date:	08/07/2013	Start Time	11:05 am	End Time	11:10 am	Previous Inspection Date:	Apr 10, 2013
Inspector(s):	Shehane					No. of Photos Taken:	7
Weather:	82 ° F W winds @ 8 mph; scattered clouds					No. of Samples Taken:	
Interviewed:						Complaint #:	
Waste Tire Hauler Used:	NA					Hauler Reg. No.:	NA
Estimated Number of Tires at this Facility:	60						

Responsible Party Info

Name:	Union National Bank Land Trust 1516				
Address 1:	Attention: Trust Division				
Address 2:	101 E. Chicago Street				
City:	Elgin	State:	IL	Zip Code:	60123
<input type="button" value="Add Another Address"/>		<input type="button" value="Delete Last Address"/>			

ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS

21(k)	Failure or refusal to pay any fee imposed under the Act. Note: Cite this violation if violation of 55.8(a)(i) or 55.9 is cited.	<input type="checkbox"/>
55(a)(3)	Except at a tire storage site that contains more than 50 used tires, cause or allow the storage of used tires unless the tires are altered, reprocessed, converted, covered or otherwise prevented from accumulating water	<input checked="" type="checkbox"/>
55(b-1)	No person shall knowingly mix any used or waste tire, either whole or cut, with municipal waste.	<input type="checkbox"/>
55(c)	Failure to file the required notification with the Agency by 1/1/1990 or within 30 days of commencement of storing used tires. Note: Do not mark if site always maintains 50 or less used tires.	<input type="checkbox"/>
55(e)	Cause or allow the storage, disposal, treatment or processing of any used or waste tire in violations of any regulation or standard adopted by the Board	<input type="checkbox"/>
55(h)	Cause or allow the combustion of any used or waste tire in an enclosed devise unless a permit has been issued by the Agency.	<input type="checkbox"/>
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 \$2.00 (plus \$.50) per tire sold to be paid to the IL Dept. of Revenue.	<input type="checkbox"/>
(2)	accept for recycling used tires from customers, at the point of transfer, in a 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 X 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"/>
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"/>
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"/>
55.10	Failure to file a quarterly ST-8 tax return with the IL Dept. of Revenue.	<input type="checkbox"/>

TIRE TRANSPORTATION REQUIREMENTS

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"/>
55(g)	Engage in any operation as a used tire transporter except in compliance with Board regulations	<input type="checkbox"/>
848.601(a)	No person shall transport more than 20 used 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"/>
848.601(b)	No person shall provide, deliver, or transport used tires to a tire transporter for transport unless the transporter's vehicle displays a placard issued by the Agency under this Subpart identifying the transporter as a registered tire transporter.	<input type="checkbox"/>

848.606(a)	Upon approval of a registration as a tire transporter, the owner or operator of any vehicle registered to transport used tires shall place a placard on opposite sides of the vehicles, which display(s) a number issued by the Agency following the words "Registered Tire Transporter: T###."	<input type="checkbox"/>
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"/>

VIOLATIONS SUBJECT TO ADMINISTRATIVE CITATIONS

55(k)	No person shall:	
(1)	Cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.	<input checked="" type="checkbox"/>
(2)	Fail to collect a fee required under Section 55.8 of this Title	<input type="checkbox"/>
(3)	Fail to file a return required under Section 55.10 of this Title.	<input type="checkbox"/>
(4)	Transport used or waste tires in violation of the registration and vehicle placarding requirements adopted by the Board.	<input type="checkbox"/>

THE FOLLOWING VIOLATIONS MAY BE CITED WHEN WASTES, INCLUDING TIRES, HAVE BEEN IMPROPERLY DISPOSED

9(a)	Cause, threaten or allow air pollution in Illinois.	<input type="checkbox"/>
9(c)	Cause, or allow open burning	<input type="checkbox"/>
12(a)	Cause, threaten or allow water pollution in Illinois	<input type="checkbox"/>
12(d)	Create a water pollution hazard	<input type="checkbox"/>
21(a)	Cause or allow open dumping of: <input type="checkbox"/> Used Tires <input type="checkbox"/> Other solid waste	<input type="checkbox"/>
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.	<input type="checkbox"/>
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..	<input type="checkbox"/>
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 that meets the requirements of the Act and of regulations and standards thereunder.	<input type="checkbox"/>
21(p)	Cause or allow the open dumping of any waste in any manner that results in any of the following:	
(1)	Litter	<input 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)	Proliferations of Disease Vectors	<input type="checkbox"/>
(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
(7)	Deposition of GCDD or CCDD	<input type="checkbox"/>
55(a)	No person shall:	
(1)	cause or allow the open dumping of any used or waste tire,	<input type="checkbox"/>
(2)	cause or allow the open burning of any used or waste tire,	<input type="checkbox"/>
(5)	Abandon, dump or dispose of any used or waste tire on any private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.	<input type="checkbox"/>
812.101(a)	Abandon, dump or dispose of any used or waste tire on any private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.	<input type="checkbox"/>
815.201	Failure to file an initial facility report with the Agency to provide information concerning location and disposal practices of the facility.	<input type="checkbox"/>

OTHER REQUIREMENTS

	Apparent Violations of: <input type="checkbox"/> PCB CASE NUMBER: _____ <input type="checkbox"/> CIRCUIT COURT Order entered on: _____	<input type="checkbox"/>
739.122(c)	Failure to properly label used oil container(s)	<input type="checkbox"/>
739.124	Improper off-site shipment/transportation of used oil	<input type="checkbox"/>

Use lines below for additional violations

		<input type="checkbox"/>
--	--	--------------------------

Add Another Violation

Delete Last Violation

**0370105255 - DeKalb County
DeKalb/Union National Bank Land Trust 1516**

NARRATIVE INSPECTION REPORT DOCUMENT

On August 7, 2013 I (Donna Shehane) conducted a follow-up inspection at 1600 Pleasant Street, DeKalb, IL 60115. According to County Records, this property is owned by Union National Bank Land Trust 1516 @ 101 E Chicago Street, Elgin, IL 60123. The weather at the time of this inspection was 82 F with west winds @ 8 mph and scattered clouds. The previous inspection of this site occurred on April 10, 2013 which resulted in a Used Tire Administrative Citation Warning Notice. The purpose of this inspection was to verify compliance with the [Illinois] Environmental Protection Act and 35 Illinois Administrative Code regulations Part 848: Used Tire Regulations.

I arrived on site at approximately 11:05 am. A deadline of May 20, 2013 had been given to drain all water accumulation out of the tires and removed them to a tire disposal/recycling facility. On June 24, 2013 I received an e-mail from Jade Peterson stating that they had begun removing 10 tires at a time and also included a receipt dated June 21, 2013 from Blain's Farm & Fleet in Sycamore, IL.

I inventoried approximately 60 used or waste tires remaining on site at the time of this inspection (See photos # 1 and # 4). Several of the off-rim used tires contained water accumulation (See photos # 2, # 3, # 5, # 6, and # 7).

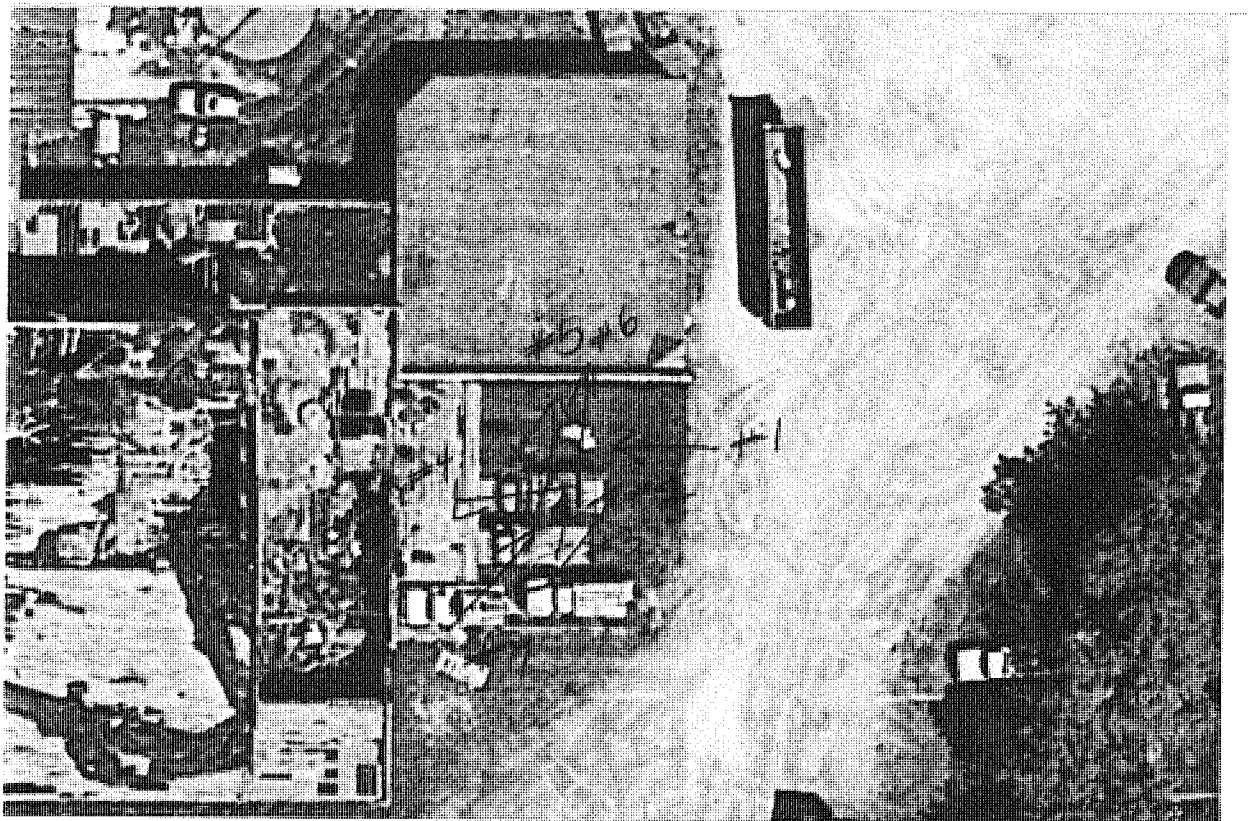
The Union National Bank Land Trust 1516 site was found to remain out of compliance at the time of this inspection. Apparent violations noted:

1. Section 55(a)(3) of the [Illinois] Environmental Protection Act ("Act").
2. Section 55(k)(1) of the Act.

END NARRATIVE BY DONNA SHEHANE

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



↑
N

State of Illinois
 Environmental Protection Agency
 Site Sketch

Date: 8/7/13

County: DeKalb

Site Code: 0370105255

Inspector: Shehane

Site Name: Unice
 Bank Trust
 1516

Time: 11:05 - 11:10
 am am

NOT TO SCALE
 0370105255 ~ 080713-001-007



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

0370105255 — DeKalb County
DeKalb/Union Nat. Bank Trust 1516
FOS File

DIGITAL PHOTOGRAPHS

File Names: 0370105255~080713



Date: 08/07/2013
Time: 11:07 am
Direction: W
Photo by: Shehane
Exposure #: 001
Comments: used or
waste tires on
property



Date: 08/07/2013
Time: 11:08 am
Direction: NE
Photo by: Shehane
Exposure #: 002
Comments: water
accumulation in used
tire



DIGITAL PHOTOGRAPHS

File Names: 0370105255~080713



Date: 08/07/2013
Time: 11:08 am
Direction: N
Photo by: Shehane
Exposure #: 003
Comments: water
accumulation in
used tire



Date: 08/07/2013
Time: 11:08 am
Direction: W
Photo by: Shehane
Exposure #: 004
Comments: stacks
of used or waste tires
surrounded by
vegetation



DIGITAL PHOTOGRAPHS

File Names: 0370105255~080713



Date: 08/07/2013
Time: 11:08 am
Direction: N
Photo by: Shehane
Exposure #: 005
Comments:
Water accumulation
in used tire



Date: 08/07/2013
Time: 11:08 am
Direction: N
Photo by: Shehane
Exposure #: 006
Comments: water
accumulation in used
tire



DIGITAL PHOTOGRAPHS

File Names: 0370105255~080713



Date: 08/07/2013
Time: 11:09 am
Direction: NE
Photo by: Shehane
Exposure #: 007
Comments: water
accumulation in
used tire

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STATE OF ILLINOIS
Pollution Control Board

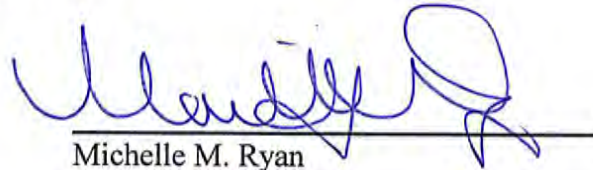
PROOF OF SERVICE

I hereby certify that I did on the 10th day of September 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 USED TIRE STORAGE EXEMPT CHECKLIST

To: Union National Bank Land Trust 1516
Attention: Trust Division
101 E. Chicago Street
Elgin, IL 60123

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
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544