



# 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

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

September 9, 2013

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

*AC14-16*

RECEIVED  
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SEP 13 2013  
STATE OF ILLINOIS  
Pollution Control Board

 ORIGINAL

Re: Illinois Environmental Protection Agency v. Thomas Gibbs  
IEPA File No. 237-13-AC; 1650205047—Saline 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

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Complainant, )  
v. )  
THOMAS GIBBS, )  
Respondent. )

AC 14-16  
(IEPA No. 237-13-AC)

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Pollution Control Board

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 Thomas Gibbs is the current owner ("Respondent") of a facility located at 301 West Barnett Street, Harrisburg, Saline County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Harrisburg/Gibbs Fertilizer.
2. That said facility is designated with Site Code No. 1650205047.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on July 17, 2013, Phillip Pierce-Savoie of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion 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 9-9-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7011 1150 0001 0863 8835.

## VIOLATIONS

Based upon direct observations made by Phillip Pierce-Savoie during the course of his July 17, 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 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 Respondent caused or allowed the open dumping of waste in a manner resulting in proliferation of disease vectors, a violation of Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (2010).
- (3) That Respondent 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).
- (4) That Respondent caused or allowed waste tires to accumulate water, 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 Six Thousand Dollars (\$6,000.00). 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 September 30, 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* by *SCP*

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. )  
 )  
THOMAS GIBBS, )  
 )  
 )  
 )  
 )  
Respondent. )

AC 14-16  
(IEPA No. 237-13-AC)

FACILITY: Harrisburg/Gibbs Fertilizer  
SITE CODE NO.: 1650205047  
COUNTY: Saline  
CIVIL PENALTY: \$6,000.00  
DATE OF INSPECTION: July 17, 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.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 Complainant, )  
 )  
 )  
 v. )  
 )  
 Thomas Gibbs )  
 )  
 Respondent. )

*A C 14-16*

IEPA DOCKET NO.  
**RECEIVED**  
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Pollution Control Board

AFFIDAVIT

Affiant, **Phillip Pierce-Savoie**, 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 July 17, 2013, between 10:20am and 11:00am, Affiant conducted an inspection of a disposal site operated by Thomas Gibbs, located in Saline County, Illinois, and known as Gibbs Fertilizer by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1650205047 by the Agency.
3. Affiant inspected said used tire storage and open-dumping site by an on-site inspection which included walking and photographing the site.



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Tire Storage Site Inspection Checklist

County: Saline LPC#: 1650205047 Region: 7 - Marion  
 Facility Name: Gibbs Fertilizer  
 Facility Location: 301 W Barnett St, Harrisburg, IL 62946 Telephone: 618/252-8349  
 Inspection Date: 7-17-13 Time: From 10:20am To 11:00am Previous Inspection Date: 11-15-1996  
 Inspector(s): P. Pierce-Savoie No. of Photos Taken: 13  
 Weather: ~80 F, Sunny No. of Samples Taken: \_\_\_\_\_  
 Interviewed: Thomas Gibbs Complaint #: \_\_\_\_\_  
 Waste Tire Hauler Used: None Hauler Registration Number: N/A

Responsible Party Mailing Address(es):  
 Thomas Gibbs  
 1111 W McHaney  
 Harrisburg, IL 62946

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STATE OF ILLINOIS  
Pollution Control Board

200

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

SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>		
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 checked="" 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 Two Dollars and Fifty Cents (\$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"/>
<b>PART 848, SUBPART B: MANAGEMENT STANDARDS</b>			
15	848.202(b)	AT SITES AT WHICH <b>MORE THAN 50</b> USED OR WASTE TIRES ARE LOCATED THE OWNER OR OPERATOR SHALL:	
	(1)	<b>NOT</b> 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 checked="" type="checkbox"/>
	(2)	<b>NOT</b> 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)	<b>NOT</b> 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)	<b>NOT</b> 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 checked="" type="checkbox"/>
	(7)	<b>NOT</b> 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)	<b>NOT</b> 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 <u>ADDITION</u> TO THE REQUIREMENTS SET FORTH IN 848.202 (b), THE OWNER OR OPERATOR OF A SITE AT WHICH <b>MORE THAN 500</b> USED OR WASTE TIRES ARE LOCATED SHALL:	
	(1)	Maintain a Contingency Plan Which Meets the Requirements of Section 848.203	<input type="checkbox"/>
	(2)	Meet the Record Keeping and Reporting Requirements of Part 848: Subpart C Note: Also Mark a Violation of Subpart C	<input type="checkbox"/>
	(3)	<b>NOT</b> 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)	<b>NOT</b> 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)	<b>NOT</b> 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 <u>ADDITION</u> TO THE REQUIREMENTS SET FORTH IN 848.202 (b) AND (c), THE OWNER OR OPERATOR AT SITES AT WHICH <b>MORE THAN 10,000</b> 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 <b>MORE THAN 500</b> 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 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 mosquitoes 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"/>
<b>STORAGE OF USED AND WASTE TIRES WITHIN BUILDINGS</b>			
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)	IN <u>ADDITION</u> TO THE REQUIREMENTS SET FORTH IN SECTION 848.204(b), THE OWNER OPERATOR OF A SITE WITH <b>500 OR MORE</b> USED OR WASTE TIRES STORED WITHIN BUILDINGS SHALL:	

	(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 <b>MORE THAN 10,000</b> 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"/>
<b>PESTICIDE TREATMENT</b>			
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"/>
	(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"/>
<b>PART 848: SUBPART C: RECORD KEEPING AND REPORTING</b> Note: Applies to Storage Sites with <b>More than 500</b> Used or Waste Tires			
24	848.302(a)	The owner/operator shall keep on site a: (1) <input type="checkbox"/> Daily Tire Record (2) <input type="checkbox"/> Annual Tire Summary	<input type="checkbox"/>
25	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"/>
26	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"/>
27	848.304	FAILURE TO MAINTAIN ON SITE AN ANNUAL TIRE SUMMARY FOR EACH CALENDAR YEAR THAT INCLUDES:	
	(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"/>
28	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input type="checkbox"/>
29	848.305	FAILURE TO RETAIN REQUIRED RECORDS ON SITE FOR 3 YEARS	<input type="checkbox"/>
<b>PART 848: SUBPART D: FINANCIAL ASSURANCE</b>			
NOTE: Applies to Sites which have Stored <b>5000 or More</b> Used or Waste Tires			
30	848.400(b)(1)	<b>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</b> Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
31	848.400(b)(2)	<b>AT TIRE STORAGE SITES AT WHICH TIRES ARE STORED PRIOR TO 1/1/92, FAILURE TO COMPLY WITH SUBPART D BY 1/1/92.</b> Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
32	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"/>
33	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"/>
34	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"/>
35	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
<b>PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS</b>			
36	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"/>
37	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"/>
38	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"/>
39	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"/>
<b>THE FOLLOWING VIOLATIONS MAY BE CITED WHEN WASTES, INCLUDING TIRES, HAVE BEEN <u>DISPOSED</u> AT A TIRE STORAGE SITE</b>			
40	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS.	<input type="checkbox"/>
41	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>

42	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
43	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
44	21(a)	CAUSE OR ALLOW OPEN DUMPING <input checked="" type="checkbox"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE	<input checked="" type="checkbox"/>
45	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"/>
46	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"/>
47	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 checked="" type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
48	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"/>
49	848.202(b)(6)	Used or Waste Tires Shall not be Abandoned, Dumped or Disposed on Private or Public Property in Illinois, Except in a Landfill Permitted by the Agency Pursuant to 35 Ill. Adm. Code 807 or 811.	<input checked="" type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
50		APPARENT VIOLATION OF: <input type="checkbox"/> PCB CASE NUMBER: <input type="checkbox"/> CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
	55(k)(1)	Cause or allow water to accumulate in used or waste tires.	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Signature of Inspector(s): \_\_\_\_\_

**Informational Notes:**

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G, Chapter I, Subchapter m, Part 848.
4. 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.
5. 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.
6. 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).
7. Items marked with an "NE" were not evaluated at the time of this inspection .

**Illinois Environmental Protection Agency**  
**Narrative Inspection Report**

**Site #: 1650205047**

**Date of Inspection: 7-17-13**

**County: Saline**

**Inspector: P. Pierce-Savoie**

**Site Name: Gibbs Fertilizer**

**GPS: 37.720067,-88.542659**

### **General Remarks**

This inspection was made as a response to a complaint received by this office. The site is located at 301 West Barnett Street in Harrisburg, Illinois. The site was easily accessed by Barnett Street. The inspection began at approximately 10:20am and concluded around 11:00am. It was ~80°F and sunny at the time of the inspection, and the ground conditions were normal. Thirteen (13) pictures were taken of the facility.

I arrived on-site and was directed to a small office building, where I spoke with the property owner Mr. Thomas Gibbs. Mr. Gibbs informed me that this used to be Gibbs Fertilizer, but was no longer operating that business as of 2008, and that he was instead renting shop and storage space. He informed me that the large Off-the-Road (OTR) tires were owned by Larry Angelly. I informed him of the cause and purpose of my visit, and asked if he wished to accompany me on my inspection. He declined, and I began my inspection of the facility.

This site had heavy weed growth and open dumping. I observed a pile of intermingled landscape waste and General Construction and/or Demolition Debris (GC/DD) with several used tires mixed in. This accumulation was visually estimated to be about 10 yards by 10 yards by 4 yards. Waste vehicles and ~55-gallon poly and steel drums were also observed. It was difficult to accurately assess how much waste was present due to the weeds. I also observed no fewer than 150 used and/or waste truck tires and at least 50 OTR tires. Many of these tires were observed to be holding water and mosquito larva. After inspecting the site I returned to the office and spoke with Mr. Gibbs.

I asked Mr. Gibbs when he last disposed of used tires and how they were generated. Mr. Gibbs informed me that he had not disposed of any used or waste tires since the Agency had stopped sponsoring used/waste tire collections and that the truck tires were from his vehicles when Gibbs Fertilizer was still operating. I informed him that due to the number of tires on site this facility fell under the Used Tire Storage regulations. Mr. Gibbs asked that the appropriate used tire storage paperwork be sent to him. I informed him that the tires would have to be removed and any useable used tires be stored in such a way that they cannot accumulate water, and that as long as more than 50 used tires remain on site that the tire storage regulations be adhered to. I also informed Mr. Gibbs that I had found both water and mosquito larva in the used tires at the site. Mr. Gibbs asked if he was allowed to bury the used tires. I informed him that he was not permitted to do so, and should only dispose of used tires at permitted facilities, and informed him of the disposal options used by the local registered tire storage sites.

### **Inspection Findings:**

This site is an unregistered tire storage site and has at least 150 truck tires and 50 OTR tires open dumped. Many of these tires were observed to be holding water and mosquito larva. GC/DD was also observed to be open dumped at this site, with at least 400 cubic yards observed. Unlabeled and illegibly labeled poly and steel drums as well as poly totes were observed at a distance.

Narrative  
LPC #1650205047 – Saline County  
Harrisburg/Gibbs Fertilizer  
Page 2 of 2

### **Additional Remarks:**

At one time this facility was a RCRA hazardous waste generator. A search of the Agency tire storage site database did not show this facility to be a registered tire storage site. A Site Remediation Program Review & Evaluation Services Agreement between this facility and the Agency was terminated on March 12, 2013 without a No Further Remediation Letter. On 5-8-1997 a Violation Notice (M-1997-00028) was sent to this facility. No CCA from the facility was accepted.

### **Summary of Violations:**

55(a)(1)  
55(a)(4)  
55(a)(5)  
55(b-1)  
55(c)  
55(d)(1)  
55(e)  
55(k)(1)  
55.6(b)  
848.202(b)(1)  
848.202(b)(2)  
848.202(b)(5)  
848.202(b)(6)  
21(a)  
21(d)(2)  
21(e)  
21(k)  
21(p)(1)  
21(p)(5)  
21(p)(7)





**DIGITAL PHOTOGRAPHS**



**Date:** 7-17-13  
**Time:** 10:38am  
**Direction:** SE  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 001  
**Comments:** General  
Construction and/or  
Demolition Debris  
(GC/DD) and assorted  
poly and steel drums.



**Date:** 7-17-13  
**Time:** 10:39am  
**Direction:** SE  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 002  
**Comments:** Used tires  
and waste vehicles.

**File Names:** 1650205047~07172013-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date:** 7-17-13  
**Time:** 10:40am  
**Direction:** S  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 003  
**Comments:** Poly tote,  
GC/DD, and landscape  
waste.



**Date:** 7-17-13  
**Time:** 10:41am  
**Direction:** E  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 004  
**Comments:** GC/DD,  
landscape waste, and used  
tires.

**File Names:** 1650205047~07172013-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date:** 7-17-13  
**Time:** 10:41am  
**Direction:** SW  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 005  
**Comments:** Used tires holding water and mosquito larva.



**Date:** 7-17-13  
**Time:** 10:42am  
**Direction:** down  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 006  
**Comments:** Used tire holding water and mosquito larva.

**File Names:** 1650205047~07172013-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date:** 7-17-13  
**Time:** 10:42am  
**Direction:** down  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 007  
**Comments:** Used tire holding water and mosquito larva.



**Date:** 7-17-13  
**Time:** 10:43am  
**Direction:** down  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 008  
**Comments:** An attempt to document the mosquito larva in the water accumulated in the used tires.

**File Names:** 1650205047~07172013-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date:** 7-17-13  
**Time:** 10:46am  
**Direction:** NE  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 009  
**Comments:** Used Off-the-Road (OTR) tires allowed to accumulate water.



**Date:** 7-17-13  
**Time:** 10:46am  
**Direction:** W  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 010  
**Comments:** Used OTR tires allowed to accumulate water.

**File Names:** 1650205047~07172013-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date:** 7-17-13  
**Time:** 10:46am  
**Direction:** NW  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 011  
**Comments:** More used  
OTR tires allowed to  
accumulate water.



**Date:** 7-17-13  
**Time:** 10:46am  
**Direction:** down  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 012  
**Comments:** Used OTR  
tire holding water.

**File Names:** 1650205047~07172013-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



**Date:** 7-17-13  
**Time:** 10:47am  
**Direction:** down  
**Photo by:** P. Pierce-Savoie  
**Exposure #:** 013  
**Comments:** Used OTR  
tire holding water.

**Date:** 7-17-13  
**Time:**  
**Direction:**  
**Photo by:** P. Pierce-Savoie  
**Exposure #:**  
**Comments:**

No Photograph.

**File Names:** 1650205047~07172013-[Exp. #].jpg

**PROOF OF SERVICE**

I hereby certify that I did on the 9th 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 TIRE STORAGE SITE INSPECTION CHECKLIST

To: Thomas Gibbs  
1111 W. McHaney  
Harrisburg, IL 62946

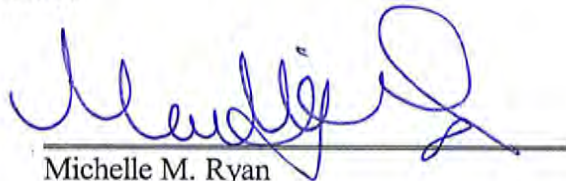
**RECEIVED  
CLERK'S OFFICE**

**SEP 13 2013**

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

**STATE OF ILLINOIS  
Pollution Control Board**

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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P.O. Box 19276  
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(217) 782-5544