



# 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

August 19, 2014

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



ORIGINAL

ACIS-9

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CLERK'S OFFICE

AUG 22 2014

STATE OF ILLINOIS  
Pollution Control Board

Re: Illinois Environmental Protection Agency v Ponderosa Land Trust  
IEPA File No. 275-14-AC; 1990555227

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 Disposal 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

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AUG 22 2014

ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 PONDEROSA LAND TRUST, )  
 )  
 )  
 )  
 )  
 Respondent. )

AC 15-9  
 (IEPA No. 275-14-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 (2014).

FACTS

1. That Ponderosa Land Trust is the current owner of a facility located at 305 ½ Carbon Street, Marion, Williamson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Ponderosa Land Trust.
2. That said facility is designated with Site Code No. 1990555227.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on July 24, 2014, Garrison Gross and Phillip Pierce-Savoie of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion 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 8-19-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 9415.

#### VIOLATIONS

Based upon direct observations made by Garrison Gross and Phillip Pierce-Savoie during the course of the July 24, 2014 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent 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)(2014).
- (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)(2014).
- (3) 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) (2014).

#### CIVIL PENALTY

On March 20, 2014, the Board found Ponderosa Land Trust in violation of Sections 21(p)(1) and 55(k)(1) of the Act in AC 14-31.

Because this Administrative Citation addresses a second or subsequent violation of Sections 21(p)(1) and 55(k)(1) of the Act, pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5)

(2014), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each violation for a total of Six Thousand Dollars (\$6,000.00). Additionally, pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for the violation of Section 21(p)(5). The total civil penalty due is Seven Thousand Five Hundred Dollars (\$7,500.00). 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 7, 2014, 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 (2014), 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 Seven Thousand Five Hundred Dollars (\$7,500.00) statutory civil penalty.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2014), 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, 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 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 (2014). 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.

 <sup>for</sup>

Date:

8-15-14

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

REMITTANCE FORM

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AUG 22 2014

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Complainant, )  
v. )  
PONDEROSA LAND TRUST, )  
Respondent. )

AC 15-9  
(IEPA No. 275-14-AC)

FACILITY: Ponderosa Land Trust  
SITE CODE NO.: 1990555227  
COUNTY: Williamson  
CIVIL PENALTY: \$7,500.00  
DATE OF INSPECTION: July 24, 2014

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.



STATE OF ILLINOIS )  
 ) SS  
COUNTY OF WILLIAMSON )

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CLERK'S OFFICE  
AUG 22 2014  
STATE OF ILLINOIS  
Pollution Control Board

AFFIDAVIT

I, Garrison Gross, being first duly sworn upon oath, depose and state 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 24, 2014, between 11:10 A.M. and 11:45 A.M., Affiant conducted an inspection of the Ponderosa Land Trust site in Williamson County, Illinois, known as Ponderosa Land Trust by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1990555227 by the Agency.
3. Affiant inspected said Ponderosa Land Trust site by an on-site inspection, which included walking and photographing the site.
4. As a result of the material actions 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 Ponderosa Land Trust.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before  
me this 12 day of August 2014

Marcia A. English  
Notary Public



STATE OF ILLINOIS )  
 ) SS  
COUNTY OF WILLIAMSON )

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CLERK'S OFFICE

AUG 22 2014

STATE OF ILLINOIS  
Pollution Control Board

AFFIDAVIT

I, Phillip Pierce-Savoie, being first duly sworn upon oath, depose and state 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 24, 2014, between 11:10 A.M. and 11:45 A.M., Affiant conducted an inspection of the Ponderosa Land Trust site in Williamson County, Illinois, known as Ponderosa Land Trust by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1990555227 by the Agency.
3. Affiant inspected said Ponderosa Land Trust site by an on-site inspection, which included walking and photographing the site.
4. As a result of the material actions 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 Ponderosa Land Trust.

FURTHER AFFIANT SAYETH NOT.

*Phillip Pierce-Savoie*

Subscribed and Sworn to before  
me this 12<sup>th</sup> day of August 2014

*Marcia A. English*  
Notary Public OFFICIAL SEAL  
MARCIA A ENGLISH  
Notary Public, State of Illinois  
My Commission Expires: 03/20/2018

# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Tire Disposal Site Inspection Checklist

County: Williamson LPC#: 1990555227 Region: 7 - Marion  
 Facility Name: Ponderosa Land Trust  
 Facility Location: 305 1/2 Carbon Street, Marion, Illinois 62959 Telephone: N/A  
 Insp. Date: July 24, 2014 Time: From 11:10 AM To 11:45 AM Previous Inspection Date: Dec 23, 2013  
 Inspector(s): Garrison Gross No. of Photos Taken: # 16  
 Weather: partly cloudy skies, 71 °F, moderate breeze No. of Samples Taken: N/A  
 Interviewed: N/A Complaint #: N/A

Property Owner:  
 Ponderosa Land Trust  
 James Reichert, TC  
 P.O. Box 1  
 Marion, Illinois 62959  
 618-997-6431

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STATE OF ILLINOIS  
 Pollution Control Board

~192

Estimated Number of Used Tires Located At This Facility

SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>		
1.	9(a) CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS.	<input type="checkbox"/>
2.	9(c) CAUSE OR ALLOW OPEN BURNING.	<input type="checkbox"/>
3.	12(a) CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS.	<input type="checkbox"/>
4.	12(d) CREATE A WATER POLLUTION HAZARD.	<input type="checkbox"/>
5.	21(a) CAUSE OR ALLOW OPEN DUMPING <input checked="" type="checkbox"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE	<input checked="" type="checkbox"/>
6.	21(d) CONDUCT A WASTE-STORAGE, TREATMENT, OR DISPOSAL OPERATION:	
	(1) without a permit granted by the Agency Note: cite only at tire disposal sites where tires are <u>first</u> disposed after 1/1/92. Also Mark 848.501(c), and 812.101(a) in (Other Requirements). Also cite when other <u>off-site generated</u> waste has been disposed	<input type="checkbox"/>
	(2) 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"/>
7.	21(e) DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE EXCEPT AT A SITE WHICH MEETS THE REQUIREMENTS OF THIS ACT AND REGULATIONS. Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
8.	21(p) CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(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 type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(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 type="checkbox"/>
	(6)	Fail to submit required reports or tire removal agreements	<input type="checkbox"/>
10.	55(c)	<b>FAILURE TO FILE THE REQUIRED NOTIFICATION WITH THE AGENCY BY 1/1/90 OR WITHIN 30 DAYS OF COMMENCEMENT OF THE DISPOSAL ACTIVITY.</b>	<input checked="" type="checkbox"/>
11.	55(d)(2)	CAUSING OR ALLOWING THE OPERATION OF A TIRE DISPOSAL SITE WITHOUT SUBMITTING, AND RECEIVING WRITTEN APPROVAL OF, A TIRE REMOVAL AGREEMENT, OR HAVING ENTERED INTO A CONSENSUAL REMOVAL AGREEMENT.	<input type="checkbox"/>
12.	55(e)	<b>CAUSE OR ALLOW THE DISPOSAL OF ANY USED OR WASTE TIRE IN VIOLATION OF ANY REGULATION OR STANDARD ADOPTED BY THE BOARD</b> Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
13.	55(f)	ARRANGE FOR THE TRANSPORTATION OF USED OR WASTE TIRES AWAY FROM THE SITE OF GENERATION WITH A PERSON KNOWN TO OPEN DUMP SUCH TIRES	<input type="checkbox"/>
14.	55(g)	<b>NO PERSON SHALL ENGAGE IN ANY OPERATION AS A USED OR WASTE TIRE TRANSPORTER EXCEPT IN COMPLIANCE WITH BOARD REGULATIONS.</b> Note: Also Mark a Violation of Subpart F	<input checked="" type="checkbox"/>
15.	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"/>
16.	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"/>
17.	55(j)	FAILURE TO COMPLY WITH THE TERMS OF A TIRE REMOVAL AGREEMENT.	<input type="checkbox"/>
18.	55.4	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: a) <input type="checkbox"/> Minimizes the need for further maintenance b) <input type="checkbox"/> Removes all used and waste tires and any residues there from; and c) <input type="checkbox"/> Protects human health during the removal and post removal periods. Note: Also Mark a Violation of 848.502	<input type="checkbox"/>
<b>PART 848: SUBPART B: MANAGEMENT STANDARDS</b>			
19	848.202(b)	<b>AT SITES AT WHICH MORE THAN 50 USED OR WASTE TIRES ARE LOCATED THE OWNER OR OPERATOR SHALL:</b>	
	(1)	NOT Place on or Accumulate Any Used or Waste Tire in Any Pile Outside of Any Building Unless the Pile Is Separated from All Other Piles by 25 Feet and Aisle Space Is Maintained To Allow the Unobstructed Movement of Personnel and Equipment	<input type="checkbox"/>
	(2)	<b>NOT Accumulate Any Used or Waste Tire in Any Area Located Outside of Any Building Unless the Accumulation is Separated from All Buildings, Whether on or off the Site, by 25 Feet</b>	<input checked="" type="checkbox"/>
	(3)	NOT Place On or Accumulate Any Used or Waste Tire in Any Pile Which is Less than 250 Feet from any Potential Ignition Source, including Cutting and Welding Devices, and Open Fires Unless All Such Activities are Carried Out Within A Building	<input type="checkbox"/>
	(4)	Drain Any Used or Waste Tire on the Day of Generation or Receipt	<input type="checkbox"/>
	(6)	NOT Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property in Illinois	<input type="checkbox"/>
	(7)	NOT Accept Any Used or Waste Tires from a Vehicle in Which More than 20 Tires Have Been Loaded Unless the Vehicle Displays a Tire Transporter Placard.	<input type="checkbox"/>
	(8)	NOT Accumulate Any Tires in an Area with a Grade Exceeding 2% Without Meeting the Requirements of 848.202(d)(3)	<input type="checkbox"/>

20.	848.202(c)	IN ADDITION 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 848.203	<input type="checkbox"/>
	(2)	Meet the Record keeping requirements of Part 848 Subpart C Note: Also Mark a Violation of Subpart C	<input type="checkbox"/>
	(3)	Maintain waste tire piles separated from grass, weeds, brush, over-hanging tree limbs, and similar vegetative growth by no less than 50 feet.	<input type="checkbox"/>
21.	848.202(d)	IN ADDITION 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 COMPLY WITH THE FOLLOWING:	
	(2)	The entrance shall be controlled at all times by an attendant, locked entrance, television monitors, controlled roadway access or other equivalent mechanisms.	<input type="checkbox"/>
22.	848.203	CONTINGENCY PLAN REQUIREMENTS FOR DISPOSAL SITES WITH <b>MORE THAN 500</b> TIRES	
	(a)	The owner/operator must meet the requirements of 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 provisions 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 emergency coordinator 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 AT TIRE DISPOSAL SITES</b>			
23.	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"/>
24.	848.204(b)	<u>STORAGE OF LESS THAN 500 TIRES WITHIN A BUILDING ALLOWED IF:</u> (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"/>
25.	848.204(c)	IN ADDITION 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, but not be limited to, 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 of 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 Subpart C	<input type="checkbox"/>
26.	848.204(d)	A BUILDING THAT STORES MORE THAN 10,000 USED OR WASTE TIRES, AND WAS CONSTRUCTED AFTER 5/10/91, FOR THE PRIMARY PURPOSE OF STORING USED OR WASTE TIRES, SHALL COMPLY WITH THE NFPA 231D BUILDING STANDARD.	<input type="checkbox"/>
<b>PESTICIDE TREATMENT</b>			
27.	848.205	OWNERS OR OPERATORS OF TIRE DISPOSAL 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"/>
28.	848.205(d)	Persons Applying Pesticides to Used and Waste Tires Must Comply with the Requirements of the Illinois Pesticide Act (Ill. Rev. Stat. 1989, ch. 5, par. 801 et seq.)	<input type="checkbox"/>
<b>PART 848: SUBPART C: RECORD KEEPING AND REPORTING</b> Note: Applies to Disposal Sites with 500 or more Used or Waste Tires			
29.	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"/>
30.	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"/>
32.	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"/>
33.	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 tires received	<input type="checkbox"/>
	(b)(2)	The weight or volume of tires transported from the site	<input type="checkbox"/>
	(b)(4)	The weight or volume of used or waste tires combusted during the calendar year	<input type="checkbox"/>
34.	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input type="checkbox"/>
35.	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 disposed 50 or more used or waste tires, and which do not have written approval of a tire removal agreement, per 848.208			
36.	848.400(b)(1)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR AFTER 1/1/92, FAILURE TO COMPLY WITH SUBPART D PRIOR TO DISPOSING ANY USED OR WASTE TIRES Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>

37.	848.400(b)(2)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE DISPOSED PRIOR TO 1/1/92, FAILURE TO COMPLY WITH SUBPART D BY 1/1/92. Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
38.	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"/>
39.	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"/>
40.	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL USED OR WASTE TIRES.	<input type="checkbox"/>
41.	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
<b>PART 848: SUBPART E: TIRE REMOVAL AGREEMENTS</b>			
42.	848.501(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR BEFORE 1/1/92, THE OWNER/OPERATOR SHALL OBTAIN BY 1/1/92 WRITTEN APPROVAL FROM THE AGENCY OF A TIRE REMOVAL AGREEMENT SUBMITTED PURSUANT TO THIS SUBPART.	<input type="checkbox"/>
43.	848.501(c)	FAILURE TO FIRST OBTAIN A LANDFILL PERMIT FROM THE AGENCY FOR TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92.	<input type="checkbox"/>
44.	848.502	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: (a) <input type="checkbox"/> Minimizes the need for further maintenance (b) <input type="checkbox"/> Removes all used and waste tires and any residues there from; and (c) <input type="checkbox"/> Protects human health during the removal and post removal periods.	<input type="checkbox"/>
45.	848.506(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92, THE OWNER/OPERATOR SHALL SUBMIT A PROPOSED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER RECEIPT OF THE KNOWN FINAL VOLUME OF USED TIRES.	<input type="checkbox"/>
46.	848.506(b)	THE OWNER OPERATOR SHALL BEGIN REMOVAL OF USED AND WASTE TIRES IN ACCORDANCE WITH THE APPROVED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER WRITTEN AGENCY APPROVAL, UNLESS THE TIRE REMOVAL AGREEMENT SPECIFIES OTHERWISE	<input type="checkbox"/>
<b>PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS</b>			
47.	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 checked="" 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 checked="" type="checkbox"/>
48.	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"/>
49.	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"/>
50.	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"/>

**OTHER REQUIREMENTS**

51.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input type="checkbox"/>
52.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; CASE NUMBER: ( <input type="checkbox"/> ) CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
53.	55(k)(1)	No person shall 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"/>
54.	55(k)(4)	No person shall cause or allow the transportation of used or waste tires in violation of the registration and vehicle placarding requirements adopted by the Board.	<input checked="" type="checkbox"/>
55.	739.122(c)	Failure to properly label used oil container(s)	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

**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.





*State of Illinois*  
**ENVIRONMENTAL PROTECTION AGENCY**  
**Narrative Inspection Report**

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**Site #:** 1990555227 – Williamson County  
**Site Name:** Ponderosa Land Trust  
**Date of Inspection:** July 24, 2014  
**Inspector:** Garrison Gross

**Subject:** Follow-Up Inspection at Ponderosa Land Trust

**General Remarks:** A Follow-Up Tire Storage Site Inspection was conducted on Thursday, July 24, 2014 at the Ponderosa Land Trust property. The inspection was conducted by Garrison Gross and Phillip Pierce-Savoie representing the Illinois EPA Bureau of Land. The site is located at 305 1/2 Carbon Street in Marion, Illinois and is immediately adjacent to a residential neighborhood. The inspection was performed as a follow-up to a previous inspection conducted on December 23, 2013. Weather conditions at the time of the inspection were partly cloudy skies, 71° F, with a moderate breeze. Surface conditions were dry. The inspection began at approximately 11:10 A.M. and ended at approximately 11:45 A.M.

**Inspection Findings:** Numerous tires were observed from Carbon Street. The tires were loaded on a utility trailer and were not being protected from accumulating water. We entered the site and attempted to make contact with someone at the garage building. It appeared that Crites Automotive had ceased doing business at the location. We knocked on the door but no one answered. We continued the inspection by walking and photographing the site.

**Tire Storage / Tire Disposal:**

Fifty (50) used / waste tires were observed on a utility trailer. The trailer did not have a license plate. The trailer was not displaying a registered tire transporter placard (photo 001). The serial number and tongue were also photographed (photos 010 and 011). The tires on the trailer were off rim and most of them had accumulated water (photo 002). No mosquito larvae were observed in the tires on the utility trailer.

Approximately ninety-five (95) used / waste tires were observed along the north side of the garage building and on a flatbed truck (004, 006 and 012). All of the tires observed in this area were off the rim and most of them had accumulated (photo 003). Numerous tires contained mosquito larvae and some adult Asian Tiger Mosquitoes were observed (photo 005). Although some of the tires on the flat-bed truck were covered with a tarp, they were still accumulating water due to rips and deterioration of the material. Used / waste tires were being stored closer than 25 feet to a building. It should also be noted that the used / waste tires were being stored less than 40 feet from an active railroad and railroad spur where railcars are staged. Approximately 1/2 pound of Abate larvicide was applied to the tires to control mosquito larvae.

The door to the building was unlocked and forty-seven (47) used / waste tires were being stored inside the garage (photo 016). Inspectors found approximately **192** tires located at the site. Used / waste tires are not being systematically removed from the site and are considered open dumped (litter).

**Automotive Fluids:** One 55-gallon drum was stored outside along the north side of the garage (photo 008). The drum was labeled as windshield solvent but upon inspection of the contents, it was determined that the fluid was used oil (photo 007). The drum contained approximately 25 gallons of used oil.

**Other Wastes:** A plastic truck bed liner was observed at the north end of the property. The bed liner contained televisions, computer monitors, plastic buckets, tires and carpeting (photo 009). The flatbed truck was considered waste because it did not have a current license plate and it did not appear to have been driven for several years (photo 013). Plate number (33 146 H) was dated June 1996. I opened the door to check for the serial number (photos 014 and 015). A wasp nest with live wasps was observed inside the cab which provided further evidence that the vehicle was not in use.

**Additional Remarks:** The license plate of the flatbed truck was searched by the Secretary of State. Plate number (33 146 H) is not on file in their computer database due to the age of the plate. Information concerning property ownership / control was obtained through tax records available from the Supervisor of Assessment's Office in Williamson County. Ponderosa Land Trust is listed as the property owner. Tax bills are mailed to Jim Reichert, TC, P.O. Box 1, Marion, Illinois 62959. The property contains four parcels: 06-13-351-001, 06-13-351-003, 06-13-351-004 and 06-13-351-005 (approximately 1.03 acres)

**Summary of Apparent Violations:**

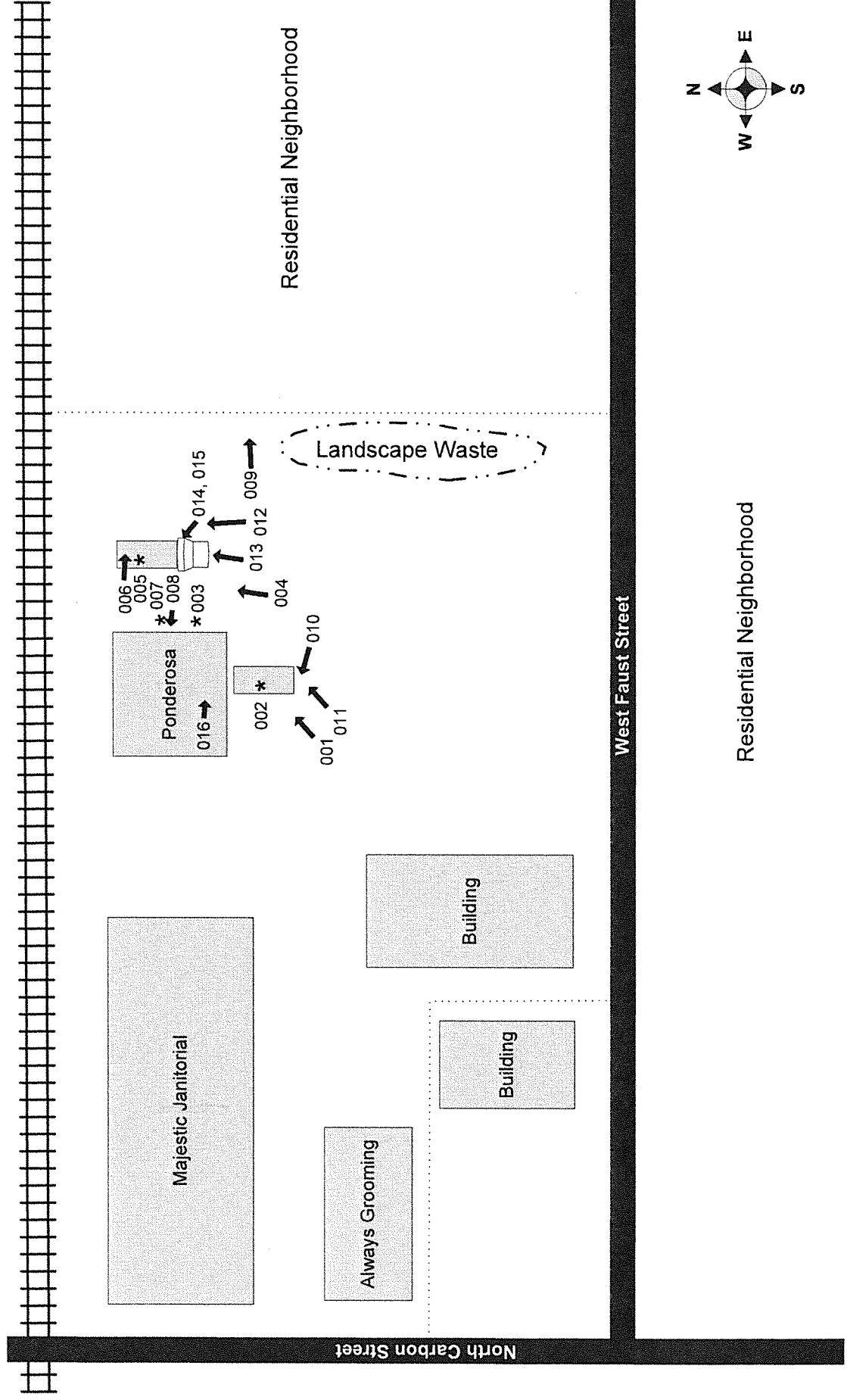
21(a)	55(a)(1)	848.601(a)*
21(d)(2)	55(c)	55(k)(1)
21(e)	55(e)	55(k)(4)*
21(p)(1)	55(g)*	739.122(c)
21(p)(5)*	848.202(b)(2)	

\*denotes new violation



**State of Illinois**  
**ENVIRONMENTAL PROTECTION AGENCY**  
**Inspection Site Sketch**

Date: July 24, 2014  
 BOL ID #: 199055227 – Williamson County  
 Site Name: Ponderosa Land Trust  
 Inspector: Garrison Gross  
 Not Drawn to Scale: All Locations Are Approximate





## DIGITAL PHOTOGRAPHS



Date: 07/24/2014  
Time: 11:11 A.M.  
Direction: northeast  
Photo by: Garrison Gross  
Exposure #: 001  
Comments: 50 used /  
waste tires stored outside  
on utility trailer; trailer  
not placarded as  
registered tire transporter



Date: 07/24/2014  
Time: 11:11 A.M.  
Direction: down  
Photo by: Garrison Gross  
Exposure #: 002  
Comments: water in tires  
found on utility trailer

File Names: 1990555227~07242014-[001-016].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 07/24/2014  
**Time:** 11:11 A.M.  
**Direction:** down  
**Photo by:** Garrison Gross  
**Exposure #:** 003  
**Comments:** water in tires  
found next to building



**Date:** 07/24/2014  
**Time:** 11:12 A.M.  
**Direction:** north  
**Photo by:** Garrison Gross  
**Exposure #:** 004  
**Comments:** used / waste  
tires stored outside near  
building, on ground and  
on flatbed truck; most  
were exposed to the  
elements

**File Names:** 1990555227~07242014-[001-016].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 07/24/2014  
**Time:** 11:12 A.M.  
**Direction:** down  
**Photo by:** Garrison Gross  
**Exposure #:** 005  
**Comments:** water in tires found on flatbed truck; mosquito larvae and adult Asian Tiger Mosquitoes were observed in the tire



**Date:** 07/24/2014  
**Time:** 11:13 A.M.  
**Direction:** east  
**Photo by:** Garrison Gross  
**Exposure #:** 006  
**Comments:** used / waste tires stored on flatbed truck

**File Names:** 1990555227~07242014-[001-016].jpg



**DIGITAL PHOTOGRAPHS**



**Date:** 07/24/2014  
**Time:** 11:15 A.M.  
**Direction:** down  
**Photo by:** Garrison Gross  
**Exposure #:** 007  
**Comments:** drum of automotive fluid; appeared to be used / waste oil but container marked as windshield solvent



**Date:** 07/24/2014  
**Time:** 11:15 A.M.  
**Direction:** west  
**Photo by:** Garrison Gross  
**Exposure #:** 008  
**Comments:** drum of waste automotive fluid; not properly labeled

**File Names:** 1990555227~07242014-[001-016].jpg



### DIGITAL PHOTOGRAPHS



Date: 07/24/2014  
Time: 11:16 A.M.  
Direction: east  
Photo by: Garrison Gross  
Exposure #: 009  
Comments: litter; bed liner, televisions, plastic containers and tires



Date: 07/24/2014  
Time: 11:24 A.M.  
Direction: west  
Photo by: Garrison Gross  
Exposure #: 010  
Comments: serial number of utility trailer

File Names: 1990555227~07242014-[001-016].jpg





## DIGITAL PHOTOGRAPHS



**Date:** 07/24/2014  
**Time:** 11:25 A.M.  
**Direction:** northwest  
**Photo by:** Garrison Gross  
**Exposure #:** 011  
**Comments:** tongue of utility trailer



**Date:** 07/24/2014  
**Time:** 11:26 A.M.  
**Direction:** north  
**Photo by:** Garrison Gross  
**Exposure #:** 012  
**Comments:** used / waste tires stored outside on and near flatbed truck

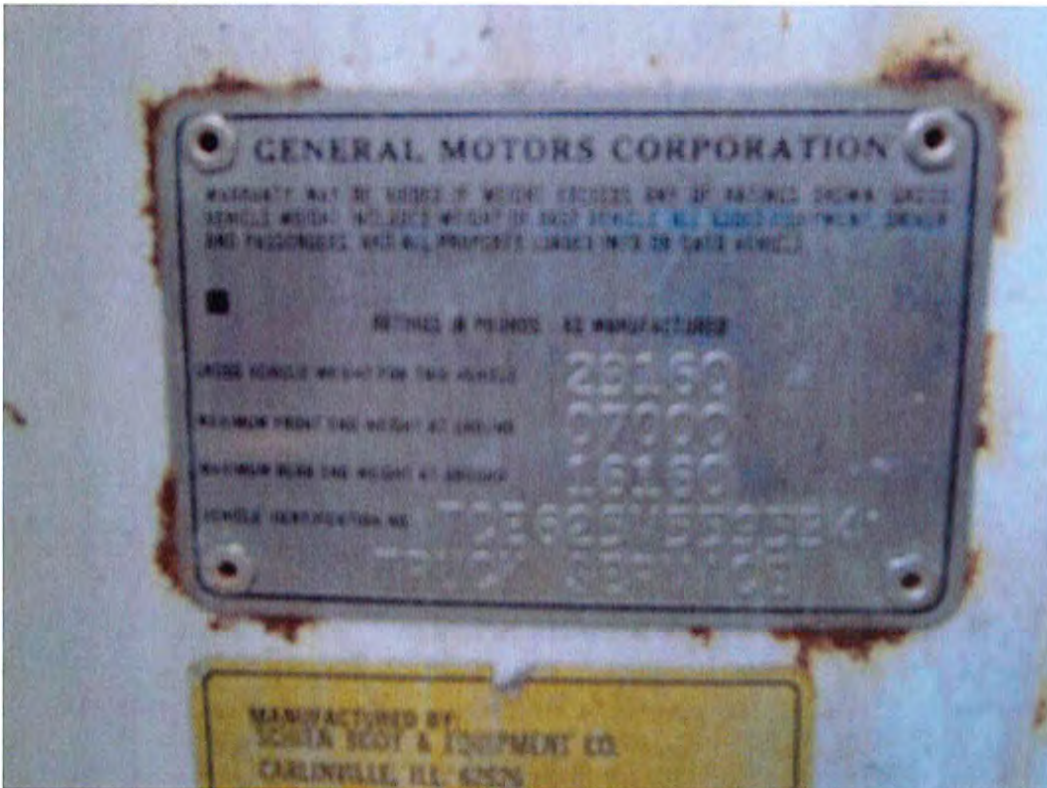
File Names: 1990555227~07242014-[001-016].jpg



**DIGITAL PHOTOGRAPHS**



**Date:** 07/24/2014  
**Time:** 11:27 A.M.  
**Direction:** north  
**Photo by:** Garrison Gross  
**Exposure #:** 013  
**Comments:** license plate  
 of flatbed truck

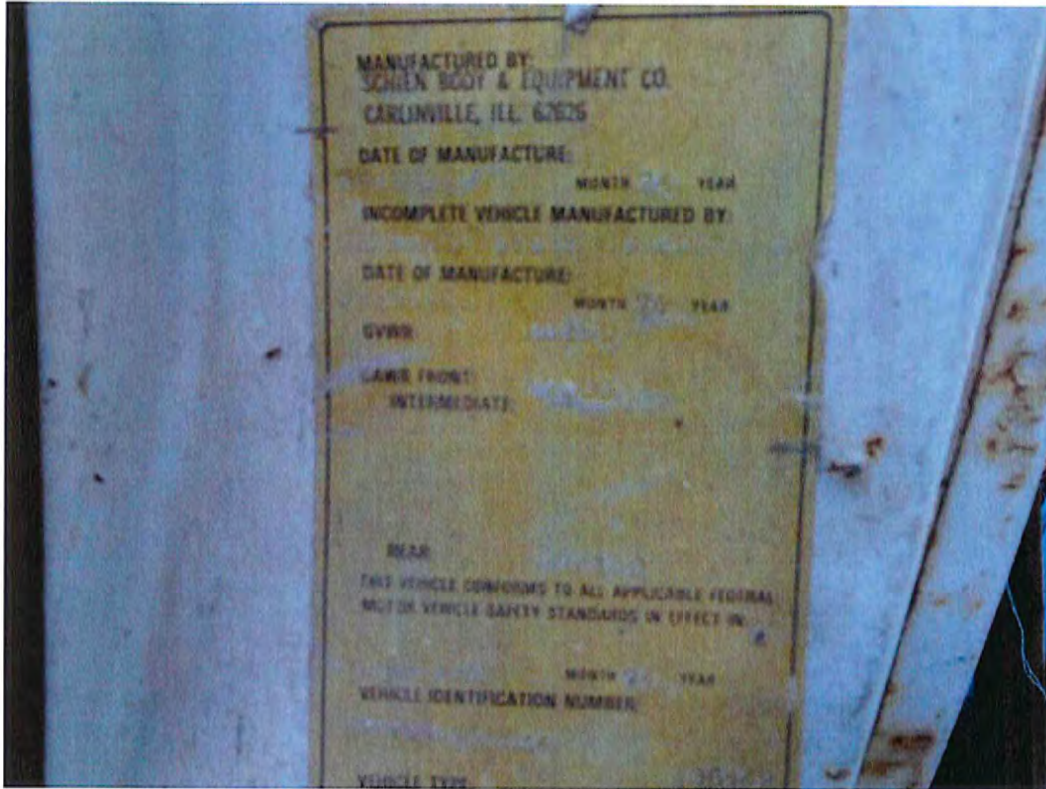


**Date:** 07/24/2014  
**Time:** 11:28 A.M.  
**Direction:** north  
**Photo by:** Garrison Gross  
**Exposure #:** 014  
**Comments:** serial number  
 of flatbed truck

**File Names:** 1990555227~07242014-[001-016].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 07/24/2014  
**Time:** 11:28 A.M.  
**Direction:** north  
**Photo by:** Garrison Gross  
**Exposure #:** 015  
**Comments:** serial number of flatbed truck



**Date:** 07/24/2014  
**Time:** 11:29 A.M.  
**Direction:** north  
**Photo by:** Garrison Gross  
**Exposure #:** 016  
**Comments:** 47 used / waste tires stored inside the building

**File Names:** 1990555227~07242014-[001-016].jpg

**PROOF OF SERVICE**

I hereby certify that I did on the 19th day of August 2014, 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 DISPOSAL SITE INSPECTION CHECKLIST

To: Ponderosa Land Trust  
Attn: James Reichert, TC  
P.O. Box 1  
Marion, IL 62959

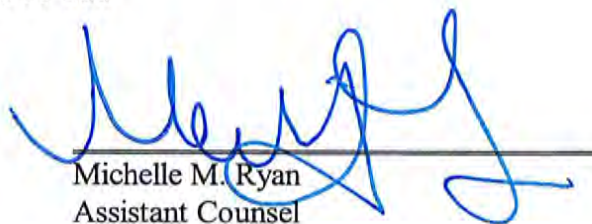
**RECEIVED**  
CLERK'S OFFICE

**AUG 22 2014**

**STATE OF ILLINOIS**  
**Pollution Control Board**

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