



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

RECEIVED  
CLERK'S OFFICE

OCT 15 2014

STATE OF ILLINOIS  
Pollution Control Board

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

October 9, 2014

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

AC15-15

ORIGINAL

Re: Illinois Environmental Protection Agency v Henry J. Herbert d/b/a Joe's Auto Salvage & Towing  
IEPA File No. 356-14-AC; 0550705047

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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OCT 15 2014

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

HENRY J. HERBERT D/B/A JOE'S AUTO  
SALVAGE & TOWING,

Respondent.

AC 15-15

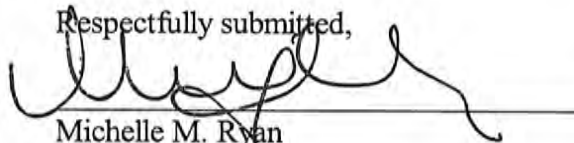
(IEPA No. 356-14-AC)

**NOTICE OF FILING**

To: Henry J. Herbert  
10673 State Highway 149 West  
P.O. Box 449  
West Frankfort, IL 62896

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: October 9, 2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE  
OCT 15 2014

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 15-15
	)	(IEPA No. 356-14-AC)
HENRY J. HERBERT D/B/A JOE'S AUTO SALVAGE & TOWING,	)	
	)	
	)	
Respondent.	)	

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 Henry J. Herbert d/b/a Joe's Auto Salvage & Towing is the current owner and operator ("Respondent") of a facility located at 10585 Highway 149 West, West Frankfort, Franklin County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Joe's Auto Salvage & Towing.
2. That said facility is designated with Site Code No. 0550705047.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on September 18, 2014, Garrison Gross 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 10-9-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 9842.

#### VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of his September 18, 2014 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) (2014).

#### CIVIL PENALTY

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 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 December 1, 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 One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each

violation.

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

Lisa Bonnett <sup>ABE</sup>

Date:

10-8-14

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

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OCT 15 2014

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
)  
Complainant, )  
)  
v. )  
)  
HENRY J. HERBERT D/B/A JOE'S AUTO )  
SALVAGE & TOWING, )  
)  
)  
Respondent. )

AC 15-15  
(IEPA No. 356-14-AC)

FACILITY: Joe's Auto Salvage & Towing  
SITE CODE NO.: 0550705047  
COUNTY: Franklin  
CIVIL PENALTY: \$1,500.00  
DATE OF INSPECTION: September 18, 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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OCT 15 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 September 18, 2014, between 1:35 P.M. and 2:40 P.M., Affiant conducted an inspection of Joe's Auto Salvage & Towing in Franklin County, Illinois, known as Joe's Auto Salvage & Towing by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0550705047 by the Agency.

3. Affiant inspected said Joe's Auto Salvage & Towing 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 Joe's Auto Salvage & Towing.

FURTHER AFFIANT SAYETH NOT.

/s/

*Garrison Gross*

Subscribed and Sworn to before  
me this *27th* day of *September*

*Sharon K Baxter*

Notary Public







# Illinois Environmental Protection Agency

Bureau of Land • 1021 N. Grand Avenue E. • Box 19276 • Springfield • Illinois • 62794-9276

## 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: Franklin BOL ID # 0550705047 Region Region 7 - Marion

Facility Name: Joe's Auto Salvage & Towing

Facility Address: 10585 Highway 149 West

City: West Frankfort State: IL Zip: 62896 Phone: 618-932-6766

Date: Sep 18, 2014 Start Time: 1:35 PM End Time: 2:40 PM

Inspector(s): Garrison Gross Previous Inspection Date: Oct 16, 2013

Weather: 75 ° F clear skies, moderate breeze No. of Photos Taken: 19

Interviewed: Scott Herbert,Carolynn Herbert No. of Samples Taken: none

Waste Tire Hauler Used: Liberty Tire Complaint #: N/A - routine

Estimated Number of Tires at this Facility: 150 Hauler Reg. No.: N/A - no receipt

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OCT 15 2014

STATE OF ILLINOIS  
Pollution Control Board

### Responsible Party Information

Name: Joe's Auto Salvage & Towing

Address 1: Attn: Henry J. & Carolynn M. Herbert

Address 2: P.O. Box 449

City: West Frankfort State: IL Zip Code: 62896

Add Another Address

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 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 violation 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;" "Recycled your tires.;" 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 hauler.	<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"/>

### VIOLETIONS 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 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 checked="" type="checkbox"/> Other solid waste	<input checked="" 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 checked="" 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 checked="" 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 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)	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"/>
848.202(b)(6)	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)	Failure to submit an application for a permit to develop and operate a landfill, unless the site is specifically exempted by Section 21(d) of the Act. The application must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in Part 817.	<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)(1)	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

12(b)	Operate any equipment of facility capable of causing or contributing to water pollution	<input checked="" type="checkbox"/>
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309.102(a)	NPDES Permit Required	<input checked="" type="checkbox"/>
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Add Another Violation

Delete Last Violation



State of Illinois  
ENVIRONMENTAL PROTECTION AGENCY  
Narrative Inspection Report

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**LPC #:** 0550705047 – Franklin County

**Site Name:** Joe's Auto Salvage & Towing

**Date of Inspection:** September 18, 2014

**Inspector:** Garrison Gross

**Subject:** Follow-Up Inspection at Joe's Auto Salvage & Towing

**General Remarks:** A follow-up inspection was conducted on Thursday, September 18, 2014, at Joe's Auto Salvage & Towing. The inspection was conducted by Garrison Gross representing the Illinois EPA Bureau of Land. The site is located at 10585 Highway 149 West, West Frankfort, Illinois 62896. The towing service impound yard is located a short distance east of the salvage yard at 10673 Highway 149 West. The impound yard is north of the Herbert residence. The inspection was conducted as a follow-up to the October 29, 2013 ACWN and to determine compliance status. Weather conditions at the time of the inspection were clear skies, 75° F, with a moderate breeze. Surface conditions at the site were dry. The inspection began at 1:35 P.M. and ended at 2:40 P.M.

**Inspection Findings:** I entered the business and met with Scott Herbert. Carolynn Herbert arrived during the later part of the inspection. The facility is licensed with the Secretary of State as an auto parts recycler, rebuilder and used car dealer. A towing service is operated off of an adjacent property. Scott Herbert accompanied me during the inspection.

**Mercury Switches:** Mr. Herbert informed me that the facility had been collecting mercury switches from waste / end-of-life vehicles. He reported that the ELVS bucket was sent in at the end of December 2013. No switches had been removed since that time. Vehicles had been removed from the site in 2014. Mr. Herbert stated that mercury switches had been removed prior to delivery to T.A. Pollack in West Frankfort. The facility did not have a replacement bucket and Mr. Herbert said he had requested a new one online. I told him to contact ELVS by telephone to request a new bucket. He was not able to locate a copy of the annual report at the time of the inspection.

**Tire Storage:** All tires had been stored inside the utility building (photo 002). Approximately 150 used / waste tires were observed. Most of the tires were still on the rim. Mr. Herbert stated that tires are derimmed and the wheels are separated to be sold as an automotive part or for scrap. No tire disposal receipts were available. He stated that the tire hauler won't pick up less than 100 tires. During the previous inspection, Liberty Tire had disposed of 153 tires on April 4, 2013. I recommended that the facility de-rim the tires and dispose of them using a registered tire transporter or dispose of waste tires in scrap vehicles sent to their scrap processor.

**Tire Sales:** The facility had not been selling tires.

**Universal Waste Batteries:** No universal waste batteries were observed at the site. Mr. Herbert said he had made a sign for the storage area but had been exchanging them as a core return when a new battery was purchased. He intended to establish a storage area in the utility building near the used oil storage area.

**Automotive Fluids:** Automotive parts (engines and transmissions) are periodically removed from processed vehicles. Mr. Herbert told us that vehicles are processed inside the shop building. Gas tanks, engines and transmissions are stored in an open utility shed and inside the utility building. Automotive fluids are stored in 55-gallon drums which are stored in both the shop and the utility building. Used coolant and gasoline are reused in facility vehicles. Used oil is collected and reportedly burned in an oil burning furnace. The furnace is located in the shop. A used oil storage tank is located in the shop and used oil drums are stored in the shop and the utility building. The drums and tank were labeled (photo 001).



0550705047 – Franklin County  
Joe's Auto Salvage & Towing  
September 18, 2014

**Waste / End-Of-Life Vehicles (Salvage Yard):** Approximately 70 vehicles were stored at the salvage yard. Approximately 30 vehicles located along the north and east boundaries of the salvage yard were considered waste due to age, condition and overgrowth in vegetation (photos 003, 004, 006-009, 011, 012, and 014). Most of the vehicles at the site appeared to be more than ten years old and did not appear to be operable. Most of them did not appear to have been stripped of essential parts and appeared to be intact other than damage incurred in traffic accidents. Some of them had their wheels removed. Most of the waste vehicles were not staged in an organized manner and were haphazardly arranged. It appears that the vehicles are being speculatively accumulated. All but three of the waste vehicles were intact (photos 011, 012 and 013). One waste vehicle was missing the floor pan and woody vegetation (appeared to be sumac) was growing up through the vehicle (photo 013). Several vehicles in the overgrown areas had license plates with registrations dating back to 2008 and 2009. Mr. Herbert was questioned about the vehicle crusher (photo 015). He said they hadn't crushed for approximately 5 years and the crusher wasn't operational. He said it had an issue with the fuel system. Scrap vehicles were being hauled to T. A. Pollack Company in West Frankfort. The facility police book showed that 12 vehicles were removed from the site in 2013 and 6 vehicles were removed in 2014. Most of them were 1990's model vehicles. The police book showed that 86 vehicles were present when Secretary of State Auditors conducted their inspection on November 11, 2013.

**Waste / End-Of-Life Vehicles (Impound Yard):** Approximately 50 vehicles were stored at the impound yard. At least eight vehicles at the impound yard were observed during the previous inspection and had not been processed in a reasonable timeframe (within 90 days of receipt) (photos 016-018). A few vehicles were overgrown in vegetation (photo 019). Vehicles were not being removed from the impound yard on a routine basis. Mr. Herbert stated that one vintage vehicle was being stored at the site for a friend. Mr. Herbert said the City of West Frankfort and the State Police were not providing the necessary documents to allow them to obtain junk titles. Some of the vehicles at the impound yard appeared to be more than 10 years old.

**Waste Metal / Open Dumping:** Waste pallets had been removed from the site. Scrap metal (shelving, racks, expanded metal grating and other scrap metal) was dumped in three locations (photos 003, 005 and 010). These items were overgrown in vegetation and were observed in the same location and in a similar condition during the last inspection. Mr. Herbert said he intended to use the shelves and racks.

**NPDES Permit:** Mrs.Carolynn Herbert told me that Shawnee Surveying and Consulting had submitted the Notice of Intent but the Agency had not issued the NPDES Permit at this time.

**Closing Conference:** They were informed that vegetation needed to be controlled at the site. I told them that vehicles located along the facility boundaries appeared to be waste / end-of-life and needed to be removed. I also told them that vehicles in the impound yard were not being processed in a reasonable timeframe. I informed them that the facility would be receiving a letter in the near future.

**Additional Remarks:** The facility registered as a Tire Storage Site in 2013 but is meeting the requirements for the storage-exemption. Agency records indicate that the facility has filed for an NPDES Stormwater Permit. Illinois Department of Revenue records indicate that Joe's Auto Salvage & Towing is a sole proprietorship owned by H. Joe Herbert.



**0550705047 – Franklin County  
Joe's Auto Salvage & Towing  
September 18, 2014**

Information obtained from the Franklin County Supervisor of Assessment's Office indicated that tax bills for parcels # 11-23-326-003 and 11-23-327-001 are mailed to Joe Herbert, 10673 State Highway 149, P.O. Box 449, West Frankfort, Illinois 62896. The deeds are filed in Book 21, Page 2389 and Book 21, Page 6746 respectively.

**Summary of Apparent Violations:**

**Waste Storage**

- 21(a)
- 21(d)(2)
- 21(e)
- 21(p)(1)

**NPDES Permit**

- 12(b)
- 309.102(a)



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

Inspection Site Sketch

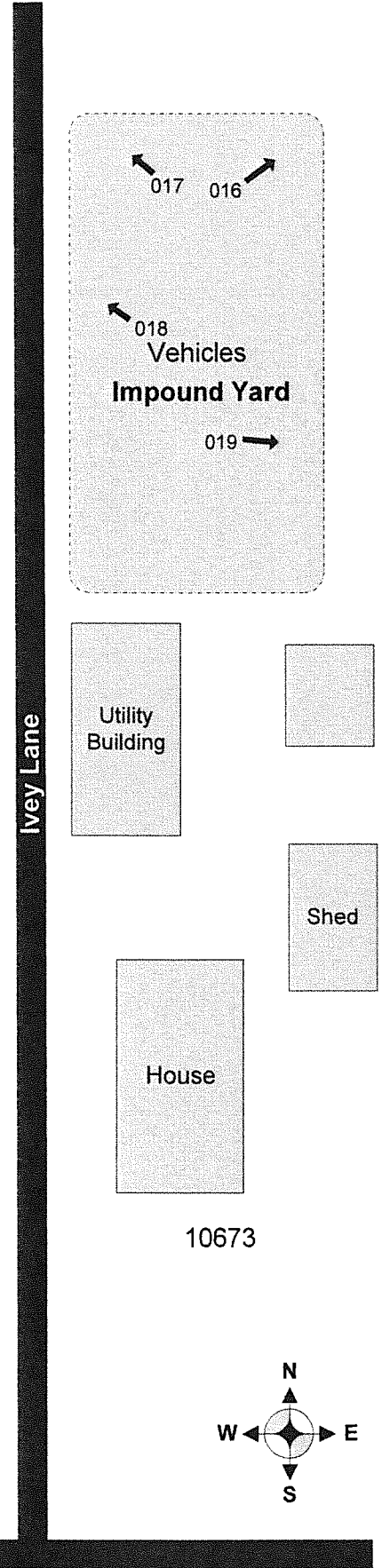
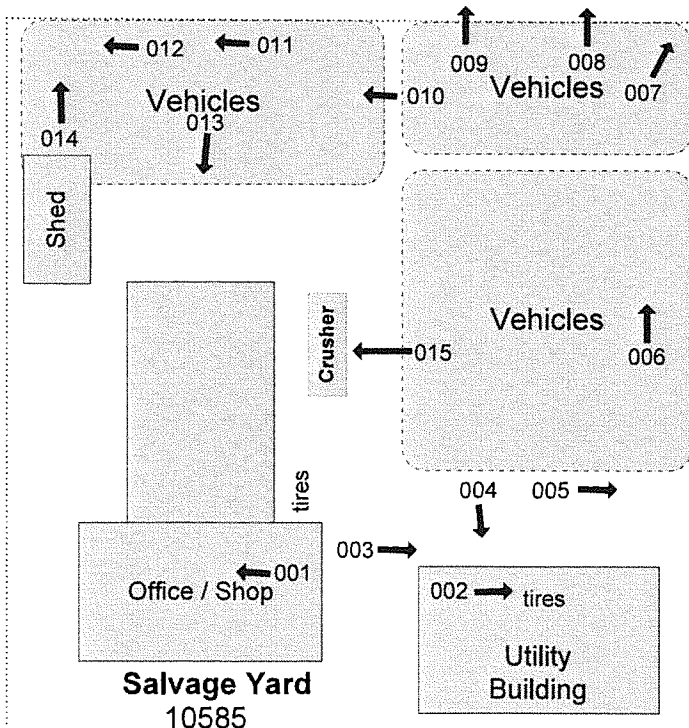
Date: September 18, 2014

BOL ID #: 0550705047 – Franklin County

Site Name: Joe's Auto Salvage & Towing

Inspector: Garrison Gross

Not Drawn to Scale: All Locations Are Approximate



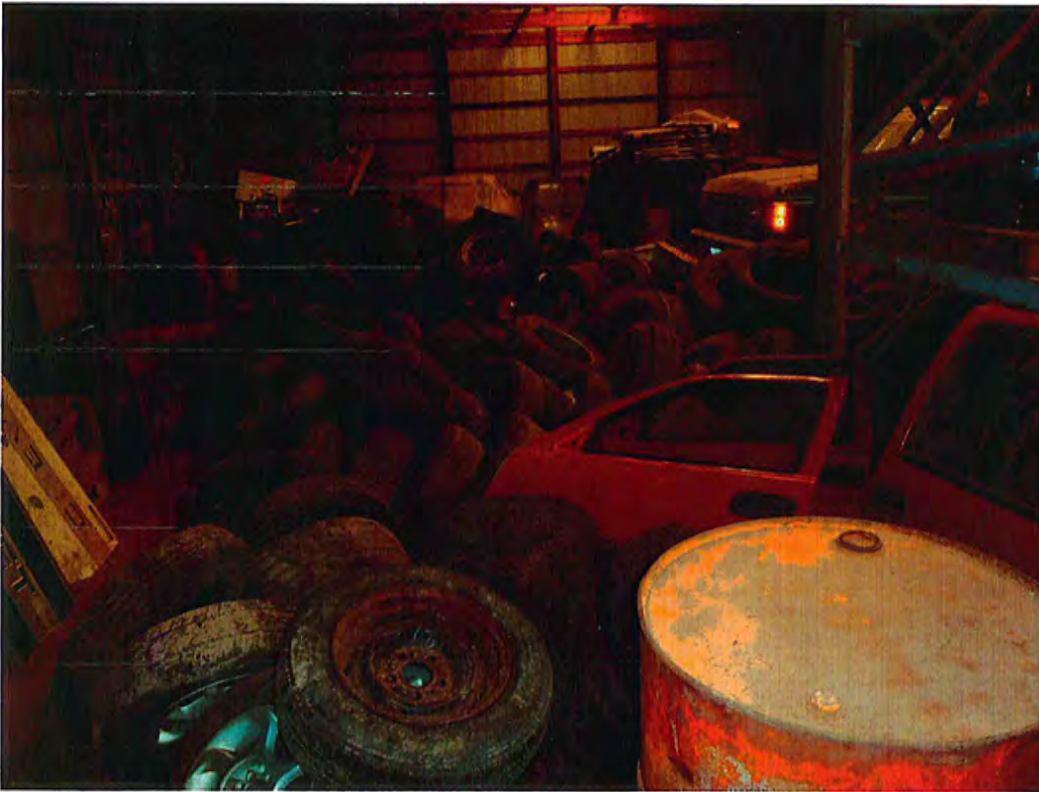
State Highway 149



## DIGITAL PHOTOGRAPHS



**Date:** 09/18/2014  
**Time:** 1:49 P.M.  
**Direction:** west  
**Photo by:** Garrison Gross  
**Exposure #:** 001  
**Comments:** drums of  
used automotive fluids



**Date:** 09/18/2014  
**Time:** 1:42 P.M.  
**Direction:** east  
**Photo by:** Garrison Gross  
**Exposure #:** 002  
**Comments:** ~ 150 used /  
waste tires stored in  
building

**File Name:** 0550705047~09182014-[001-019].jpg





## DIGITAL PHOTOGRAPHS



Date: 09/18/2014  
Time: 1:46 P.M.  
Direction: east  
Photo by: Garrison Gross  
Exposure #: 003  
Comments: area where  
waste tires had been  
removed; vehicle and  
metal shelves in  
background overgrown in  
vegetation



Date: 09/18/2014  
Time: 1:47 P.M.  
Direction: south  
Photo by: Garrison Gross  
Exposure #: 004  
Comments: axels and  
wheels, vehicle and metal  
shelves overgrown in  
vegetation; observed at  
salvage yard on  
10/16/2013

File Name: 0550705047~09182014-[001-019].jpg





**DIGITAL PHOTOGRAPHS**



**Date:** 09/18/2014  
**Time:** 1:47 P.M.  
**Direction:** east  
**Photo by:** Garrison Gross  
**Exposure #:** 005  
**Comments:** waste / end-of-life vehicle (red truck) and metal shelves overgrown in vegetation; observed at salvage yard on 10/16/2013



**Date:** 09/18/2014  
**Time:** 1:49 P.M.  
**Direction:** north  
**Photo by:** Garrison Gross  
**Exposure #:** 006  
**Comments:** waste / end-of-life vehicles overgrown in vegetation

**File Name:** 0550705047~09182014-[001-019].jpg





**DIGITAL PHOTOGRAPHS**



**Date:** 09/18/2014  
**Time:** 1:50 P.M.  
**Direction:** northeast  
**Photo by:** Garrison Gross  
**Exposure #:** 007  
**Comments:** waste / end-of-life vehicles overgrown in vegetation



**Date:** 09/18/2014  
**Time:** 1:50 P.M.  
**Direction:** north  
**Photo by:** Garrison Gross  
**Exposure #:** 008  
**Comments:** waste / end-of-life vehicles overgrown in vegetation

**File Name:** 0550705047~09182014-[001-019].jpg





**DIGITAL PHOTOGRAPHS**



**Date:** 09/18/2014  
**Time:** 1:53 P.M.  
**Direction:** north  
**Photo by:** Garrison Gross  
**Exposure #:** 009  
**Comments:** waste / end-of-life vehicles overgrown in vegetation



**Date:** 09/18/2014  
**Time:** 1:54 P.M.  
**Direction:** west  
**Photo by:** Garrison Gross  
**Exposure #:** 010  
**Comments:** vehicle parts and scrap metal overgrown in vegetation

**File Name:** 0550705047~09182014-[001-019].jpg





## DIGITAL PHOTOGRAPHS



Date: 09/18/2014  
Time: 1:54 P.M.  
Direction: west  
Photo by: Garrison Gross  
Exposure #: 011  
Comments: waste / end-of-life vehicles overgrown in vegetation



Date: 09/18/2014  
Time: 1:55 P.M.  
Direction: west  
Photo by: Garrison Gross  
Exposure #: 012  
Comments: waste / end-of-life vehicles overgrown in vegetation

File Name: 0550705047~09182014-[001-019].jpg





**DIGITAL PHOTOGRAPHS**



**Date:** 09/18/2014  
**Time:** 1:56 P.M.  
**Direction:** south  
**Photo by:** Garrison Gross  
**Exposure #:** 013  
**Comments:** waste / end-of-life vehicle; woody vegetation growing up through interior of vehicle



**Date:** 09/18/2014  
**Time:** 1:57 P.M.  
**Direction:** north  
**Photo by:** Garrison Gross  
**Exposure #:** 014  
**Comments:** waste / end-of-life vehicles overgrown in vegetation

**File Name:** 0550705047~09182014-[001-019].jpg





### DIGITAL PHOTOGRAPHS



**Date:** 09/18/2014  
**Time:** 1:58 P.M.  
**Direction:** west  
**Photo by:** Garrison Gross  
**Exposure #:** 015  
**Comments:** vehicle crusher; has not been operated in 4- 5 years due to fuel issues



**Date:** 09/18/2014  
**Time:** 2:13 P.M.  
**Direction:** northeast  
**Photo by:** Garrison Gross  
**Exposure #:** 016  
**Comments:** vehicles observed at impound yard on 10/16/2013; (brown truck, red truck and black car behind white truck)

**File Name:** 0550705047~09182014-[001-019].jpg





## DIGITAL PHOTOGRAPHS



Date: 09/18/2014  
Time: 2:14 P.M.  
Direction: northwest  
Photo by: Garrison Gross  
Exposure #: 017  
Comments: vehicles  
observed at impound  
yard on 10/16/2013;  
(truck cab and bed)



Date: 09/18/2014  
Time: 2:16 P.M.  
Direction: northwest  
Photo by: Garrison Gross  
Exposure #: 018  
Comments: vehicles  
observed at impound  
yard on 10/16/2013;  
(white, red, teal and  
vintage cars and camper  
bed)

File Name: 0550705047~09182014-[001-019].jpg





**DIGITAL PHOTOGRAPHS**



**Date: 09/18/2014  
Time: 2:17 P.M.  
Direction: east  
Photo by: Garrison Gross  
Exposure #: 019  
Comments: impounded  
vehicles overgrown in  
vegetation**

**PROOF OF SERVICE**

I hereby certify that I did on the 9th day of October 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 USED TIRE STORAGE EXEMPT CHECKLIST

To: Henry J. Herbert  
10673 State Highway 149 West  
P.O. Box 449  
West Frankfort, IL 62896

RECEIVED  
CLERK'S OFFICE

OCT 15 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