



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

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APR 01 2014

STATE OF ILLINOIS
Pollution Control Board

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

March 26, 2014



ORIGINAL

AC 14-43

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

Re: Illinois Environmental Protection Agency v David R. & Beth W. Moser
IEPA File No. 80-14-AC; 0818155007—Jefferson 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

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ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

DAVID R. & BETH W. MOSER

Respondents.

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STATE OF ILLINOIS
Pollution Control Board

AC 14-43

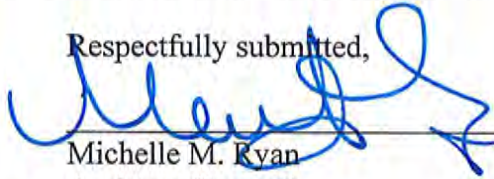
(IEPA No. 80-14-AC)

NOTICE OF FILING

To: David R. & Beth W. Moser
135446 North Harmony Lane
Opdyke, Illinois 62872

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 TIRE STORAGE SITE INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Assistant Counsel

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

Dated: March 26, 2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,) AC 14-43
v.) (IEPA No.80-14-AC)
DAVID R. & BETH W. MOSER,)
Respondents.)

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 (2012).

FACTS

1. That David R. & Beth W. Moser ("Respondents") are the current owners of a facility located at 13546 North Harmony Lane, Opdyke, Jefferson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Moser, David R. & Beth W.
2. That said facility is designated with Site Code No. 0818155007.
3. That Respondents have owned said facility at all times pertinent hereto.
4. That on March 5, 2014, Garrison Gross 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 3-26-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 7893.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of the March 5, 2014 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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) (2012).

- (2) That Respondents 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) (2012).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2012), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than May 15, 2014, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2012), and if the Illinois

Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents 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 Three Thousand 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) (2012), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2012). If Respondents elect to contest this Administrative Citation, then Respondents shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondents.

Lisa Bonnett ^{*sl*}

Date:

3-24-14

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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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
DAVID R. & BETH W. MOSER,)
Respondents.)

AC 14-43
(IEPA No. 80-14-AC)

FACILITY: Moser, David R. & Beth W.
SITE CODE NO.: 0818155007
COUNTY: Jefferson
DATE OF INSPECTION: March 5, 2014
CIVIL PENALTY: \$3,000.00

DATE REMITTED:
SS/FEIN NUMBER:
SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

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STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

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 March 5, 2014, between 12:50 P.M. and 1:10 P.M., Affiant conducted an inspection of the David R. & Beth W. Moser property in Jefferson County, Illinois, known as Opdyke / Moser, David R. & Beth W. by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0818155007 by the Agency.

3. Affiant inspected said Opdyke / Moser, David R. & Beth W. 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 Opdyke / Moser, David R. & Beth W. site.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before
me this 17th day of March, 2014

Gail Stricklin
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Tire Storage Site Inspection Checklist

County: Jefferson LPC#: 0818155007 Region: 7- Marion
 Facility Name: Moser, David R. & Beth W.
 Facility Location: 13546 North Harmony Lane, Opdyke, Illinois 62872 Telephone: 618-231-5003
 Date: 03/05/2014 Time: From 12:50 P.M. To 1:10 P.M. Previous Inspection Date: 12/03/2012
 Inspector: Garrison Gross No. of Photos Taken: # 19
 Weather: mostly cloudy skies, 39° F, moderate breeze No. of Samples Taken: N/A
 Interviewed: David Moser Complaint #: 12-070
 Waste Tire Hauler Used: Earth Services Hauler Registration Number: T-7625
 Responsible Party Mailing Address(es): David R. & Beth W. Moser
13546 North Harmony Lane
Opdyke, Illinois 62872

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~150 PTE

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

STATE OF ILLINOIS
Pollution Control Board

SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
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 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 \$2.50 Per Tire Sold to be Paid to the Department of Revenue.	<input checked="" 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 checked="" type="checkbox"/>
PART 848, SUBPART B: MANAGEMENT STANDARDS			
15	848.202(b)	AT SITES AT WHICH MORE THAN 50 USED OR WASTE TIRES ARE LOCATED THE OWNER OR OPERATOR SHALL:	
	(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)	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	<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"/>
	(5)	NOT 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 type="checkbox"/>
	(7)	NOT 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)	NOT 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 ADDITION TO THE REQUIREMENTS SET FORTH IN 848.202 (b), THE OWNER OR OPERATOR OF A SITE AT WHICH MORE THAN 500 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)	NOT 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)	NOT 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)	NOT 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"/>
		IN ADDITION TO THE REQUIREMENTS SET FORTH IN 848.202 (b) AND (c), THE OWNER OR OPERATOR AT	

17	848.202(d)	SITES AT WHICH MORE THAN 10,000 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 MORE THAN 500 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 mosquitos 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"/>
STORAGE OF USED AND WASTE TIRES WITHIN BUILDINGS			
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 checked="" type="checkbox"/>
20	848.204(b)	STORAGE OF LESS THAN 500 TIRES WITHIN A BUILDING ALLOWED IF: (1) <input type="checkbox"/> Tires Drained of All Water Prior to Placement in the Building (2) <input checked="" type="checkbox"/> All of the Buildings Windows and Doors Maintained in Working Order and Secured to Prevent Unauthorized Access. (3) <input checked="" 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 checked="" type="checkbox"/>
21	848.204(c)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN SECTION 848.204(b), THE OWNER OPERATOR OF A SITE WITH 500 OR MORE USED OR WASTE TIRES STORED WITHIN BUILDINGS SHALL:	<input type="checkbox"/>

	(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 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"/>
PESTICIDE TREATMENT			
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"/>
24	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"/>
PART 848: SUBPART C: RECORD KEEPING AND REPORTING Note: Applies to Storage Sites with More than 500 Used or Waste Tires			
25	848.302(a)	The owner/operator shall keep on site at: (1) <input type="checkbox"/> Daily Tire Record (2) <input type="checkbox"/> Annual Tire Summary	<input type="checkbox"/>
26	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"/>
27	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"/>
28	848.304	FAILURE TO MAINTAIN ON SITE AN ANNUAL TIRE SUMMARY FOR EACH CALENDAR YEAR THAT INCLUDES:	<input type="checkbox"/>
	(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"/>
29	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input type="checkbox"/>
30	848.305	FAILURE TO RETAIN REQUIRED RECORDS ON SITE FOR 3 YEARS	<input type="checkbox"/>
PART 848: SUBPART D: FINANCIAL ASSURANCE			
NOTE: Applies to Sites which have Stored 5000 or More Used or Waste Tires			
31	848.400(b)(1)	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 Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
32	848.400(b)(2)	AT TIRE STORAGE SITES AT WHICH TIRES ARE STORED 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"/>
33	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"/>
34	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"/>
35	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"/>
36	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS			
37	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"/>
38	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"/>
39	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"/>
40	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"/>
THE FOLLOWING VIOLATIONS MAY BE CITED WHEN WASTES, INCLUDING TIRES, HAVE BEEN <u>DISPOSED</u> AT A TIRE STORAGE SITE			
41	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS.	<input type="checkbox"/>
42	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>

43	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
44	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
45	21(a)	CAUSE OR ALLOW OPEN DUMPING <input type="checkbox"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE	<input checked="" type="checkbox"/>
46	21(d)(1)	CONDUCT ANY WASTE- STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION WITHOUT A PERMIT.	<input checked="" type="checkbox"/>
47	21(d)(2)	CONDUCT ANY WASTE- STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL 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"/>
48	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"/>
49	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 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"/>
50	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"/>
51	55(k)(2)	Fail to collect a fee required under Section 55.8 of the Title	<input checked="" type="checkbox"/>
52	55(k)(3)	Fail to file a return required under Section 55.10 of this Title	<input checked="" type="checkbox"/>
53	722.111	Hazardous Waste Determination	<input type="checkbox"/>
54	808.121	Special Waste Determination	<input type="checkbox"/>
55	733.114	Failure to property label universal waste batteries or containers as "Universal Waste Batteries"	<input type="checkbox"/>
56	739.122(c)	Failure to properly label used oil containers as "Used Oil"	<input type="checkbox"/>
57	812.101(a)	Failure to submit an application for a permit to develop and operate a landfill	<input type="checkbox"/>
58	12(b)	Operate any equipment or facility capable of causing or contributing to water pollution	<input type="checkbox"/>
59	12(f)	Cause, threaten, or allow the discharge of any contaminant into waters of the State	<input type="checkbox"/>
60	309.102(a)	NPDES Permit Required	<input type="checkbox"/>

Informational Notes:

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



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 0818155007 – Jefferson County
Site Name: Opdyke / Moser, David R. & Beth W.
Date of Inspection: March 5, 2014
Inspector: Garrison Gross

Subject: Site Inspection at David R. & Beth W. Moser Property

General Remarks: An Open Dump Site Inspection was conducted on Wednesday, March 5, 2014, at property owned by David R. & Beth W. Moser. Garrison Gross representing the Illinois EPA Bureau of Land conducted the inspection. The property is located at 13546 North Harmony Lane, in rural Opdyke, Illinois 62872. The inspection was performed as a follow-up to a previous inspection conducted on December 3, 2012. Weather conditions at the time of the inspection were mostly cloudy skies, 39° F, with a moderate breeze. Surface conditions were frozen to muddy with some remaining snow cover.

Inspection Findings: The inspection began at approximately 12:50 P.M. Three men were loading a vehicle on a trailer. I entered the property and approached one of the men. I identified myself and asked to speak to David Moser. The man directed me to the utility building / shop. I entered the utility building spoke to David Moser. I informed him of the reason for the inspection. I asked Mr. Moser about his progress with cleanup. He told me that some of the good bricks had been moved and stacked. He informed me that 250 tires had been removed last year. I asked him if he had a receipt. He provided a copy of the receipt which showed that Earth Services had picked up 250 tires on October 9, 2013 (photo 001). I told him that I had not received a copy of the receipt and monthly progress reports were supposed to be sent in. He I continued the inspection by walking and photographing the site. Mr. Moser accompanied me during the inspection.

Tire Storage: Upon entering the site, approximately 20 used / waste tires were observed near the front of the utility building / shop. The tires were being stored less than 25 feet from the building and some were off the rim and had accumulated water and ice (photo 002). He said they had recently been taken off of vehicles. We walked to the waste mobile home. Approximately 10 tires were outside on the ground near the waste mobile home (photo 008). The tires were off the rim and the some had accumulated water and ice (photo 009). Approximately 50 passenger, truck and agricultural tires (~100 PTE) were stored in the waste mobile home (photos 010 and 011). The doors and windows were missing and some of the tires in the waste mobile home had accumulated water and ice. Additional tires were observed in the barn. I informed Mr. Moser that tires should not be allowed to accumulate water and it appeared that storage practices had not changed since the last inspection. I told him that warm weather was around the corner and mosquitoes would begin laying eggs. He said his employees were to blame for the tires being outside. Approximately 150 PTE were observed at the site.

Retail Tire Sales: During a follow-up telephone call with Mr. Moser, I questioned Mr. Moser about retail tire sales. He admitted that he occasionally sold tires to customers. I asked about collection of the tire user fee. Mr. Moser said he didn't collect the tire user fee. Mr. Moser said he wrote receipts for automotive repairs. I instructed him to collect the tire user fee and report it on the customer receipt and submit ST-8's to the Illinois Department of Revenue.

0818155007 – Jefferson County
Opdyke / Moser, David R. & Beth W.
March 5, 2014
Page 2

Waste Mobile Homes / Demolition Debris: Two waste mobile homes were observed at the site. Mr. Moser explained that the half mobile home was being used for storage (photos 004). He said he stored automotive parts in it. During the last inspection, the half mobile home was used to store lumber. The lumber had been removed and automotive parts were stored inside (photo 005). He said he had started to enclose the mobile home to protect items stored in it, but hadn't finished the work.

The other mobile home was observed (photo 008). The door and some of the windows were missing (photo 010). The ceiling was partially collapsed and tires were being stored inside. and observed used / waste tires in the mobile home (photo 002). Some of the siding was also missing. Mr. Moser said he intended to demolish the mobile home, but was waiting to get all of the tires hauled off first.

Demolition debris remained in the area where mobile homes had been scrapped in the past. Most of the bricks had been picked up and stacked in front of the utility building / shop. A few scattered bricks remained in the mud (photo 003). Two piles of dimensional lumber were observed near the half mobile home (photo 006). Mr. Moser told me that a friend might use it to build a building. The lumber was on the ground and not protected from the elements. Tall vegetation was growing up around the lumber. During the last inspection, lumber was stored in the half mobile home.

The area east of the barn and the utility building / shop still contained some scattered construction / demolition debris. Most of the debris had been pushed into piles (photos 007 and 012). Mr. Moser said it had been too muddy to get in there. He said he got his tractor stuck the last time he tried to push it up. Another pile of lumber was piled up behind the barn (photo 013).

Closing Conference: I informed Mr. Moser that he continued to store tires, waste mobile homes, and construction / demolition debris in violation of Illinois EPA regulations. I instructed him to work on the cleanup on a regular (weekly) basis, contract a waste hauler to set small dumpster for demo debris, remove the remaining tires, store tires dry, demolish the mobile homes and submit monthly progress reports and receipts. I recommended that he use a small box trailer for future tire storage. Mr. Moser thought he could get the rest of the site cleaned up by May 2014. I informed him that he would be receiving a letter from the Agency in the near future. Approximately 140 cubic yards of waste were observed at the site. The inspection ended at approximately 1:10 P.M.

Additional Remarks: Information concerning property ownership was obtained through tax records from the Supervisor of Assessment's Office in Jefferson County. Tax bills are mailed to David R. & Beth W. Moser, 13546 North Harmony Lane, Opdyke, Illinois, 62872. The property is referred to as parcel 08-29-100-021 and contains approximately 3 acres. The business failed to notify / register as a tire retailer. The facility should remit \$100 for failure to meet the exemption for 2014. The business should immediately begin collecting \$2.50 tire user fee and submit ST-8's to the Illinois Department of Revenue.

Summary of Apparent Violations:

Tire Storage	55(k)(1)
21(k)	55(k)(2)
55(a)(4)	55(k)(3)
55(c)	
55(d)(1)	Waste Storage
55(e)	21(a)
55.6(b)	21(d)(1)
55.8(a)(1)	21(d)(2)
55.9	21(e)
848.202(b)(2)	21(p)(1)
848.204(a)	21(p)(7)
848.204(b)	



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

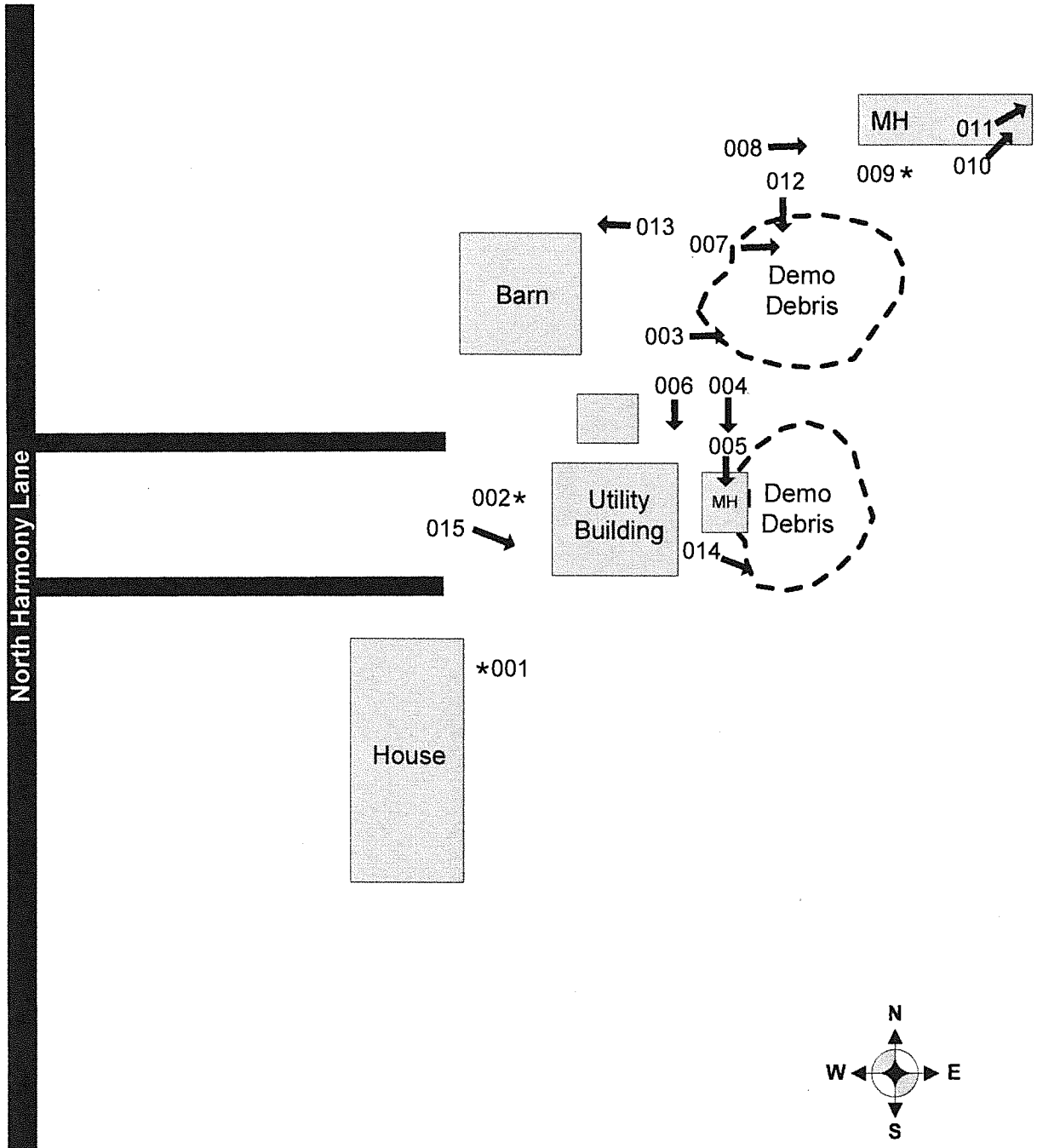
Date: March 5, 2014

BOL ID #: 0818155007 – Jefferson County

Site Name: Opdyke / Moser, David R. & Beth W.

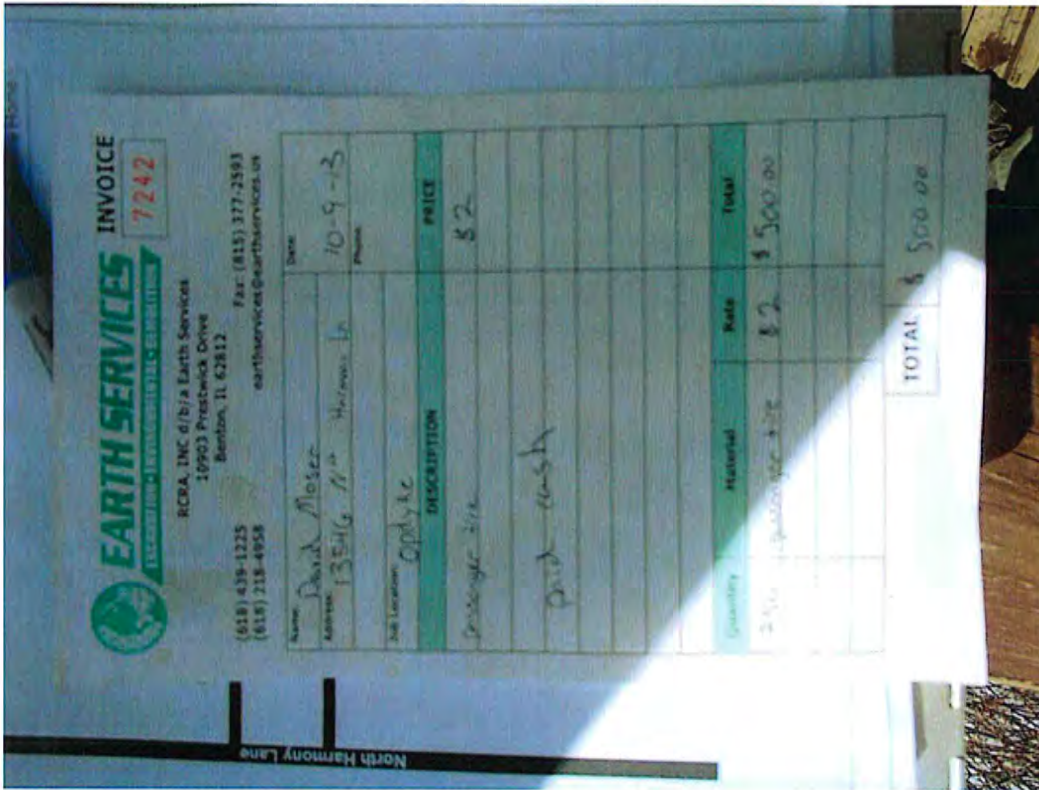
Inspector: Garrison Gross

Not Drawn to Scale: All Locations Are Approximate





DIGITAL PHOTOGRAPHS



Date: 03/05/2014
 Time: 12:51 P.M.
 Direction: west (down)
 Photo by: Garrison Gross
 Exposure #: 001
 Comments: tire disposal
 receipt for 250 tires



Date: 03/05/2014
 Time: 12:53 P.M.
 Direction: east (down)
 Photo by: Garrison Gross
 Exposure #: 002
 Comments: water and ice
 in tire

File Names: 0818155007~03052014-[001-015].jpg



DIGITAL PHOTOGRAPHS



Date: 03/05/2014
Time: 12:56 P.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 003
Comments: area where
bricks had been removed;
a few partially buried
bricks remain and some
scattered construction /
demolition debris



Date: 03/05/2014
Time: 12:56 P.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 004
Comments: waste mobile
home

File Names: 0818155007~03052014-[001-015].jpg



DIGITAL PHOTOGRAPHS



Date: 03/05/2014
Time: 12:56 P.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 005
Comments: waste mobile home; open at both ends; precipitation appears to be blowing in on vehicle interiors



Date: 03/05/2014
Time: 12:57 P.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 006
Comments: piles of demolition debris on ground; lumber

File Names: 0818155007~03052014-[001-015].jpg



DIGITAL PHOTOGRAPHS



Date: 03/05/2014
Time: 12:57 P.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 007
Comments: pile of demolition debris on ground; lumber, carpet, insulation, and other debris



Date: 03/05/2014
Time: 12:58 P.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 008
Comments: waste mobile home; unlevelled, doors and windows missing and no steps; used /waste tires outside on ground

File Names: 0818155007~03052014-[001-015].jpg



DIGITAL PHOTOGRAPHS



Date: 03/05/2014
Time: 12:58 P.M.
Direction: east (down)
Photo by: Garrison Gross
Exposure #: 009
Comments: water and ice
in tire



Date: 03/05/2014
Time: 12:58 P.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 010
Comments: used / waste
tires stored in mobile
home; some were
accumulating water
through open windows
and doors

File Names: 0818155007~03052014-[001-015].jpg



DIGITAL PHOTOGRAPHS



Date: 03/05/2014
Time: 12:59 P.M.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 011
Comments: used / waste
tires stored in mobile
home



Date: 03/05/2014
Time: 1:00 P.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 012
Comments: pile of
demolition debris on
ground; lumber, carpet,
insulation, and other
debris

File Names: 0818155007~03052014-[001-015].jpg



DIGITAL PHOTOGRAPHS



Date: 03/05/2014
Time: 1:00 P.M.
Direction: west
Photo by: Garrison Gross
Exposure #: 013
Comments: pile of
demolition debris near
barn; lumber



Date: 03/05/2014
Time: 1:01 P.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 014
Comments: pile of
construction / demolition
debris; lattice, pvc pipe,
drain tile, lumber and tin

File Names: 0818155007~03052014-[001-015].jpg



DIGITAL PHOTOGRAPHS



Date: 03/05/2014
Time: 1:02 P.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 015
Comments: used / waste
tires stored outside; some
were off rim and holding
water and ice

RECEIVED
CLERK'S OFFICE

APR 01 2014

STATE OF ILLINOIS
Pollution Control Board

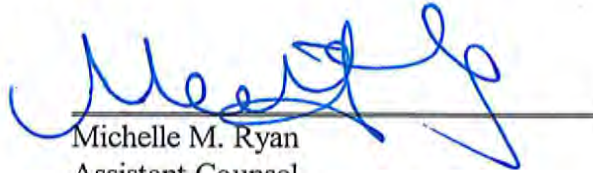
PROOF OF SERVICE

I hereby certify that I did on the 26th day of March 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 STORAGE SITE INSPECTION CHECKLIST

To: David R. & Beth W. Moser
135446 North Harmony Lane
Opdyke, Illinois 62872

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
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(217) 782-5544