



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

AC 13-53

June 14, 2013

RECEIVED
CLERK'S OFFICE

JUN 20 2013

STATE OF ILLINOIS
Pollution Control Board

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

ORIGINAL

Re: Illinois Environmental Protection Agency v. Robert Becerra d/b/a 911 Auto Repair
IEPA File No. 120-13-AC; 0070057183—Boone County

Dear Mr. Therriault:

Please be advised that service was had on Respondent, Robert Becerra, by personal service on June 6, 2013. In order to avoid default, a Petition for Review must be filed with the Illinois Pollution Control Board on or before July 11, 2013.

A copy of the proof of service from Donna Shehane, Illinois Environmental Protection Agency Field Inspector, is attached hereto.

Sincerely,

Michelle M. Ryan
Michelle M. Ryan
Assistant Counsel *by JBR*

Enclosures

RECEIVED
CLERK'S OFFICE
JUN 20 2013
STATE OF ILLINOIS
Pollution Control Board

Affidavit of Service

I, Donna Shehane, on oath state that I have served the attached Administrative Citation by hand delivery to Mr. Robert Becerra at 6442 Logan Avenue, Belvidere, IL, on Thursday, June 6, 2013 12 at 2:50 pm.

Donna Shehane

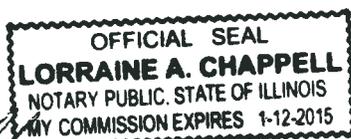
Signature

Subscribed and Sworn Before me this

11th day of June, 2013

Notary Public

Lorraine A. Chappell





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

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

May 30, 2013

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. Robert Becerra d/b/a 911 Auto Repair
IEPA File No. 120-13-AC; 0070057183—Boone County

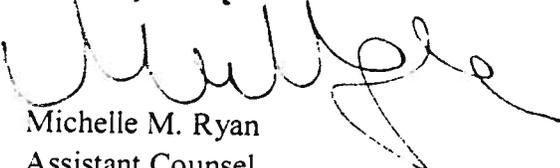
Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Used Tire Storage Exempt Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,



Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC
)	
v.)	(IEPA No. 120-13-AC)
)	
ROBERT BECERRA D/B/A 911 AUTO REPAIR,)	
)	
)	
)	
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 (2010).

FACTS

1. That Robert Becerra d/b/a 911 Auto Repair is the owner and operator ("Respondent") of a facility located at 6442 Logan Avenue, Belvidere, Boone County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Belvidere/911 Auto Repair.
2. That said facility is designated with Site Code No. 0070057183.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on April 11, 2013, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford 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 5-30-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2798 5713.

VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of the April 11, 2013 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed water to accumulate in used/waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of One Thousand Five Hundred Dollars (\$1,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than June 28, 2013, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2010), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each

violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondent fails to petition or 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, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2010). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

Lisa Bonnett *31 SOP*

Date:

5/29/2013

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

ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Complainant,)	AC
)	
v.)	(IEPA No. 120-13-AC)
)	
ROBERT BECERRA D/B/A 911 AUTO)	
REPAIR,)	
)	
)	
Respondent.)	

FACILITY: Belvidere/911 Auto Repair
SITE CODE NO.: 0070057183
COUNTY: Boone
CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: April 11, 2013

DATE REMITTED:
SS/FEIN NUMBER:
SIGNATURE:

NOTE

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
 9-1-1 Auto Repair,)
) IEPA DOCKET NO.
)
 Respondent)

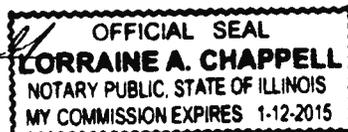
Affiant, Donna Shehane, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On April 11, 2013 between 9:25 am and 9:35 am, Affiant conducted an inspection of the 9-1-1 Auto Repair facility located in Boone County, Illinois. Said site has been assigned site code number BOL# 0070057183 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said facility.

Donna Shehane
 Donna Shehane EPS III

Subscribed and Sworn to Before Me
 this 14th day of May, 2013

Lorraine A. Chappell
 Notary Public



Illinois Environmental Protection Agency



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:

BOL ID #

Region

Facility Name:

Facility Address:

City: State: Zip:

Phone:

Date: Start Time

End Time

Inspector(s):

Previous Inspection Date:

Weather: ° F

No. of Photos Taken:

Interviewed:

No. of Samples Taken:

Waste Tire Hauler Used:

Complaint #:

Estimated Number of Tires at this Facility:

Hauler Reg. No.:

Responsible Party Info

Name:

Address 1:

Address 2:

City: State: Zip Code:

ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS

21(k)	Failure or refusal to pay any fee imposed under the Act. Note: Cite this violation if violation of 55.8(a)(i) or 55.9 is cited.	<input type="checkbox"/>
55(a)(3)	Except at a tire storage site that contains more than 50 used tires, cause or allow the storage of used tires unless the tires are altered, reprocessed, converted, covered or otherwise prevented from accumulating water	<input checked="" type="checkbox"/>
55(b-1)	No person shall knowingly mix any used or waste tire, either whole or cut, with municipal waste.	<input type="checkbox"/>
55(c)	Failure to file the required notification with the Agency by 1/1/1990 or within 30 days of commencement of storing used tires. Note: Do not mark if site always maintains 50 or less used tires.).	<input type="checkbox"/>
55(e)	Cause or allow the storage, disposal, treatment or processing of any used or waste tire in violations of any regulation or standard adopted by the Board	<input type="checkbox"/>
55(h)	Cause or allow the combustion of any used or waste tire in an enclosed devise unless a permit has been issued by the Agency.	<input type="checkbox"/>
55.8(a)	Any person selling tires at retail or offering tires for retail sale in this state shall:	
(1)	collect from retail customers a fee of \$2.00 (plus \$.50) per tire sold to be paid to the IL Dept. of Revenue.	<input type="checkbox"/>
(2)	accept for recycling used tires from customers, at the point of transfer, in a quantity equal to the number of new tires purchased.	<input type="checkbox"/>
(3)	post in a conspicuous place a written notice at least 8.5 X 11 inches in size that includes the universal recycling symbol and the following statements: "DO NOT put used tires in the trash." and "State law requires us to accept used tires for recycling, in exchange for new tires purchased."	<input type="checkbox"/>
55.8(b)	A person who accepts used tires for recycling under 55.8(a) shall not allow the tires to accumulate for periods of more than 90 days.	<input type="checkbox"/>
55.9	Retailers shall collect the fee from purchaser by adding the fee to the selling price of the tire. The fee imposed shall be stated as a distinct item separate and apart from the selling price.	<input type="checkbox"/>
55.10	Failure to file a quarterly ST-8 tax return with the IL Dept. of Revenue.	<input type="checkbox"/>

TIRE TRANSPORTATION REQUIREMENTS

55(f)	Arrange for the transportation of used or waste tires away from the site of generation with a person known to openly dump such tires.	<input type="checkbox"/>
55(g)	Engage in any operation as a used tire transporter except in compliance with Board regulations	<input type="checkbox"/>
848.601(a)	No person shall transport more than 20 used tires in a vehicle unless the following requirements are met: (1) <input type="checkbox"/> the owner or operator has registered the vehicle with the Agency in accordance with Subpart F, received approval of such registration from the Agency, and such registration is current, valid and in effect (2) <input type="checkbox"/> the owner or operator displays a placard on the vehicle, issued by the Agency following registration, in accordance with the requirements of Subpart F.	<input type="checkbox"/>
848.601(b)	No person shall provide, deliver, or transport used tires to a tire transporter for transport unless the transporter's vehicle displays a placard issued by the Agency under this Subpart identifying the transporter as a registered tire transporter.	<input type="checkbox"/>

348.606(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"/>
348.606(b)	Registered tire transporter numbers and letters shall be removable only by destruction. Directly adjacent to the words and number, the vehicle owner and operator shall display a seal furnished by the Agency, which shall designate the date on which the registration expires.	<input type="checkbox"/>

VIOLATIONS SUBJECT TO ADMINISTRATIVE CITATIONS

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

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

9(a)	Cause, threaten or allow air pollution in Illinois.	<input type="checkbox"/>
9(c)	Cause, or allow open burning	<input type="checkbox"/>
12(a)	Cause, threaten or allow water pollution in Illinois	<input type="checkbox"/>
12(d)	Create a water pollution hazard	<input type="checkbox"/>
21(a)	Cause or allow open dumping of: <input type="checkbox"/> Used Tires <input type="checkbox"/> Other solid waste	<input type="checkbox"/>
21(d)(1)	No person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit.	<input type="checkbox"/>
21(d)(2)	No person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.	<input type="checkbox"/>
21(e)	No person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility that meets the requirements of the Act and of regulations and standards thereunder.	<input type="checkbox"/>
21(p)	Cause or allow the open dumping of any waste in any manner that results in any of the following:	
(1)	Litter	<input type="checkbox"/>
(2)	Scavenging	<input type="checkbox"/>
(3)	Open Burning	<input type="checkbox"/>
(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
(5)	Proliferations of Disease Vectors	<input type="checkbox"/>
(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
(7)	Deposition of GCDD or CCDD	<input type="checkbox"/>
55(a)	No person shall:	
(1)	cause or allow the open dumping of any used or waste tire.	<input type="checkbox"/>
(2)	cause or allow the open burning of any used or waste tire.	<input type="checkbox"/>
(5)	Abandon, dump or dispose of any used or waste tire on any private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.	<input type="checkbox"/>
812.101(a)	Abandon, dump or dispose of any used or waste tire on any private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.	<input type="checkbox"/>
815.201	Failure to file an initial facility report with the Agency to provide information concerning location and disposal practices of the facility.	<input type="checkbox"/>

OTHER REQUIREMENTS

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

Use lines below for additional violations

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

Add Another Violation

Delete Last Violation

**0070057183 - Boone County
Belvidere/911 Auto Repair**

NARRATIVE INSPECTION REPORT DOCUMENT

On April 11, 2013, I (Donna Shehane) conducted an inspection at 9-1-1 Auto Repair, located at 6442 Logan Avenue, Belvidere, IL 61108. The purpose of this inspection was to determine the site's regulatory status and evaluate compliance with the Illinois Environmental Protection Act and Title 35 Illinois Administrative Code, Subtitle G, Part 848, Management of Used Tires. This facility has been previously inspected on March 14, 2012 and October 18, 2012. The weather at the time of this inspection was 40 °F with E winds at 8 mph and light rain.

Upon arrival at the facility, I knocked on the door and found the facility closed. Approximately 15 used or waste tires were observed on racks outside (See photo # 1). Upon closer inspection, I observed water accumulation in some of the off-rim used or waste tires (See photos # 2, # 3, # 4, and # 5).

In a previous Used Tire Administrative Citation Warning Notice dated March 27, 2012, Mr. Becerra of 911 Auto Repair had been advised that all used or waste tires must be stored to prevent water accumulation at all times.

I left the site at about 9:35 am. 911 Auto Repair was found to be out of compliance at the time of this inspection. Apparent violations observed:

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

END NARRATIVE BY DONNA SHEHANE

Print this page in a more readable format. Click Print next to the upper-right corner of the map.



State of IL
 Environmental Protection Agency
 Site Sketch

Date: 4/11/13

Site Code: 0070057183

Site Name: 911 Auto
Repair

County: Boone

Inspector: Shehane

Time: 9:25 - 9:35
am am

0070057183 ~ 041113-001-005
NOT TO SCALE

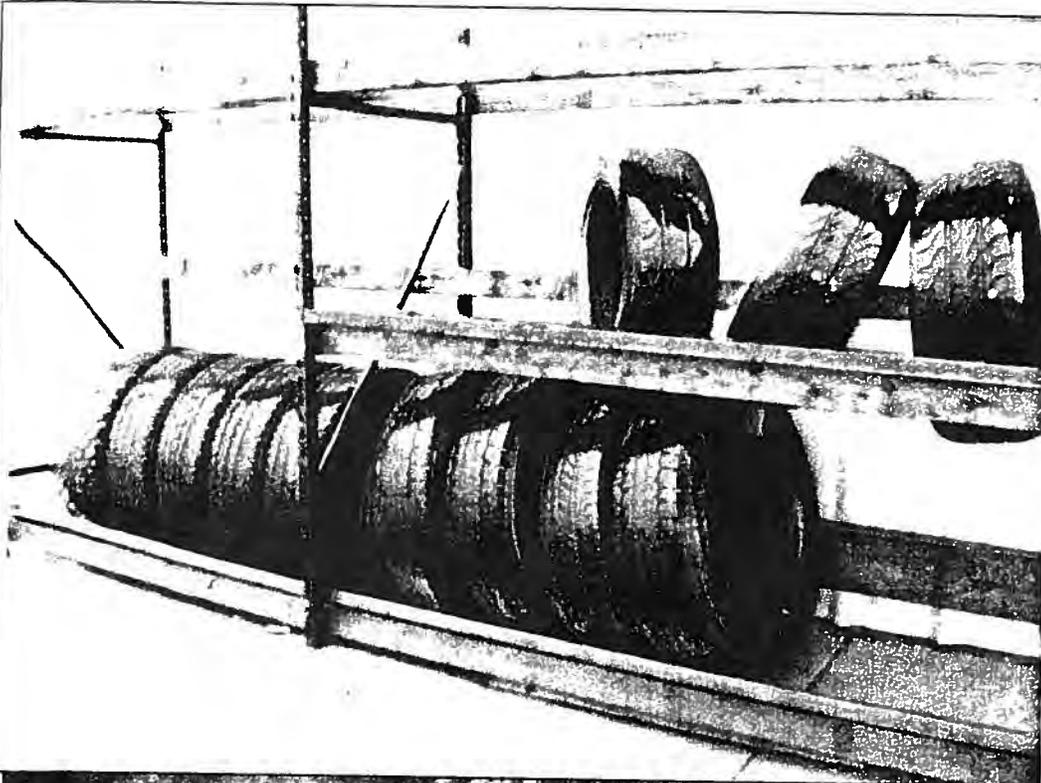


Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

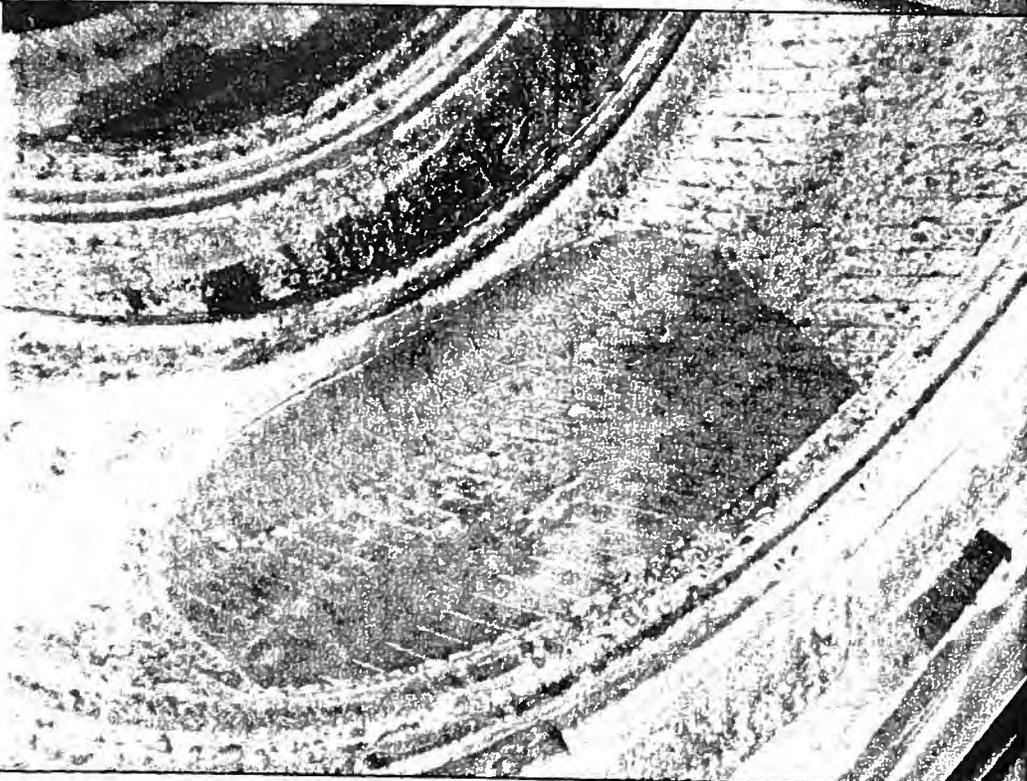
0070057183 — Boone County
Belvidere/9-1-1 Auto Repair
FOS File

DIGITAL PHOTOGRAPHS

File Names: 0070057183~041113



Date: 04/11/2013
Time: 9:29 am
Direction: SW
Photo by: Shehane
Exposure #: 001
Comments: Used
tires observed
outside on racks

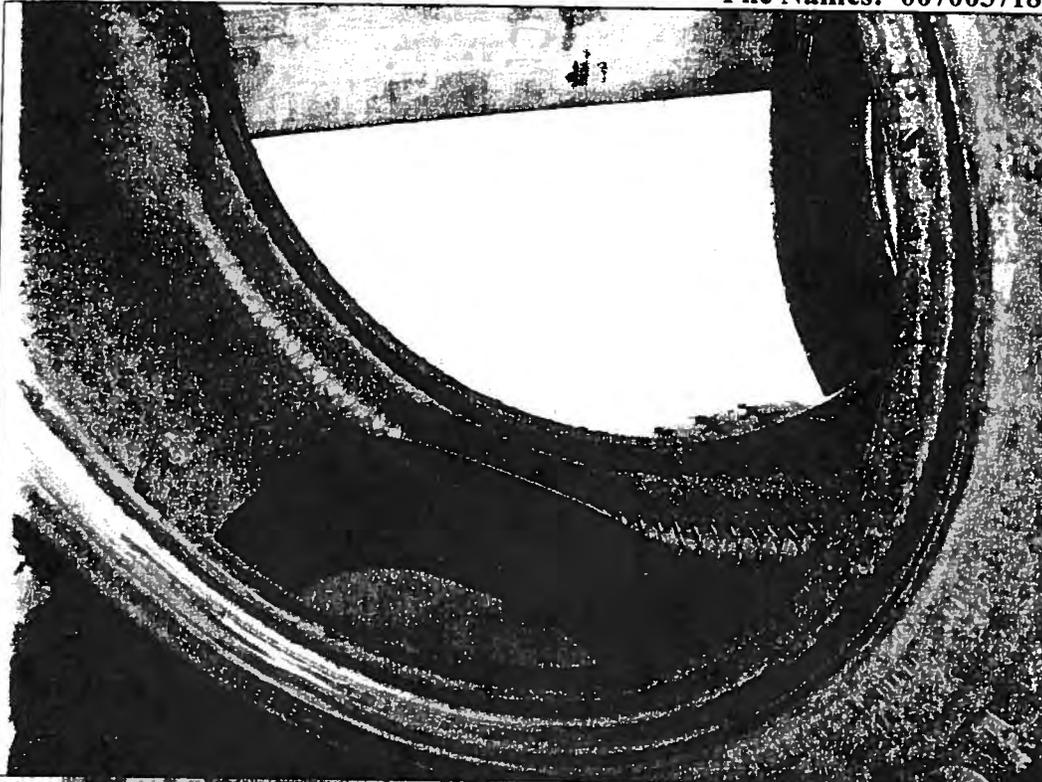


Date: 04/11/2013
Time: 9:29 am
Direction: SW
Photo by: Shehane
Exposure #: 002
Comments:
Water accumulation

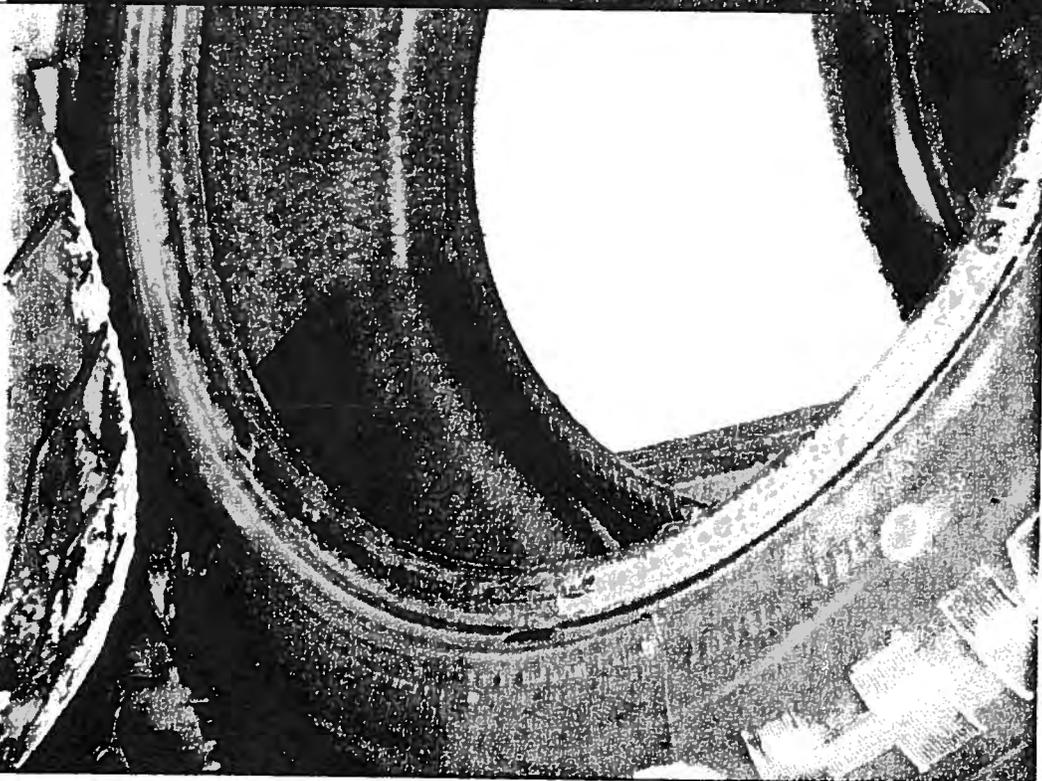


DIGITAL PHOTOGRAPHS

File Names: 0070057183~041113



Date: 04/11/2013
Time: 9:30 am
Direction: N
Photo by: Shehane
Exposure #: 003
Comments: water accumulation



Date: 04/11/2013
Time: 9:31 am
Direction: N
Photo by: Shehane
Exposure #: 004
Comments: water accumulation

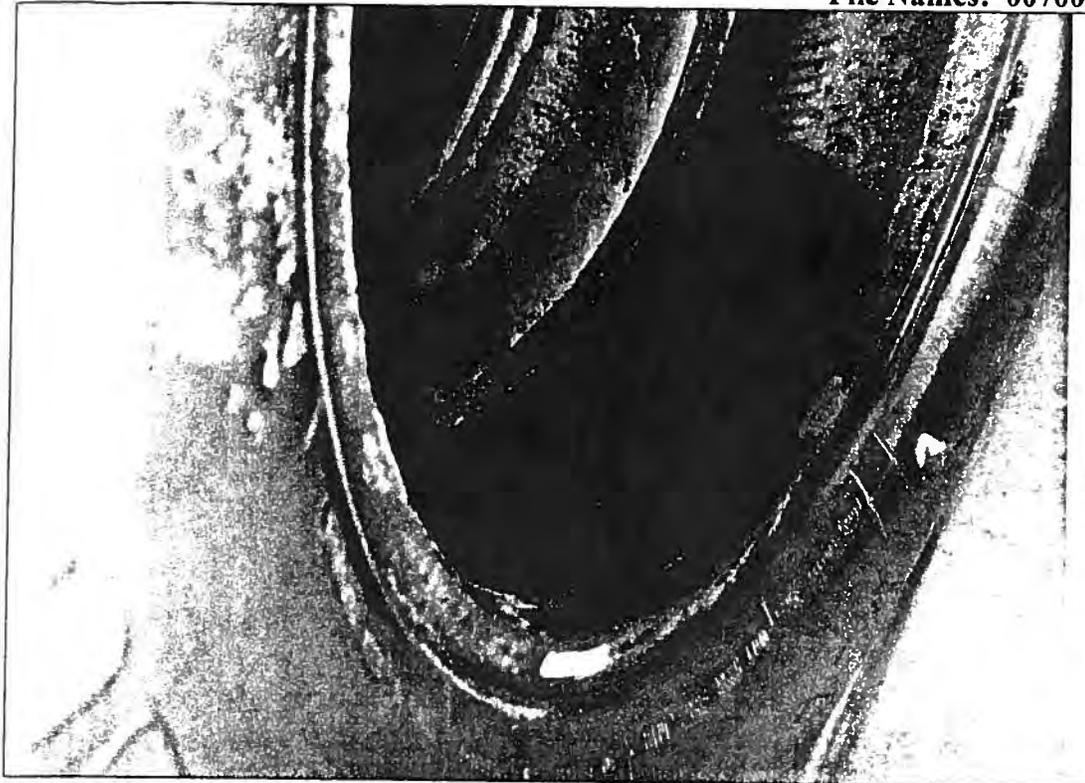


Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

0070057183 — Boone County
Belvidere/9-1-1 Auto Repair
FOS File

DIGITAL PHOTOGRAPHS

File Names: 0070057183~041113



Date: 04/11/2013
Time: 9:31 am
Direction: SW
Photo by: Shehane
Exposure #: 005
Comments: water
accumulation

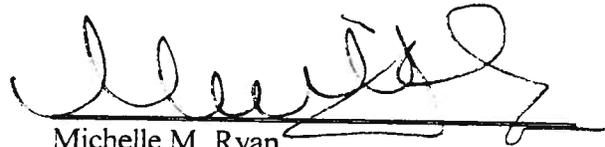
PROOF OF SERVICE

I hereby certify that I did on the 30th day of May 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and USED TIRE STORAGE EXEMPT CHECKLIST

To: 911 Auto Repair
Attn: Robert Becerra
6442 Logan Avenue
Belvidere, IL 61008

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

RECEIVED
CLERK'S OFFICE

JUN 20 2013

STATE OF ILLINOIS
Pollution Control Board

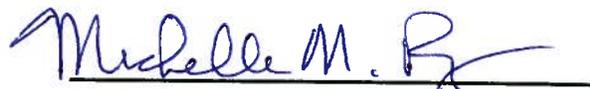
PROOF OF SERVICE

I hereby certify that I did on the 14th day of June 2013, send by U.S. Mail, 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 AFFIDAVIT OF SERVICE

To: 911 Auto Repair
Attn: Robert Becerra
6442 Logan Avenue
Belvidere, IL 61008

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail, 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 by 

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