

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

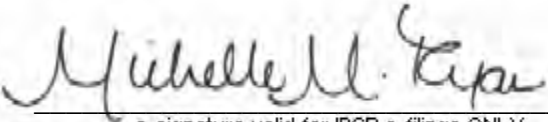
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 75-19-AC)
)	
PB ACQUISITION CO ILLINOIS LLC)	
)	
)	
Respondent.)	

NOTICE OF FILING

To: PB Acquisition Co Illinois LLC
Attn: IL Corp Service C, Registered Agent
801 Adlai Stevenson Drive
Springfield, IL 62703

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 OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



e-signature valid for IPCB e-filings ONLY

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: June 27, 2019

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2019-
)	
v.)	(IEPA No. 75-19-AC)
)	
PB ACQUISITION CO ILLINOIS LLC)	
)	
)	
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 (2018).

FACTS

1. That PB Acquisition Co. Illinois LLC is the current owner of a facility located at 1267 S Elmhurst Road, Des Plaines, Cook County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Des Plaines/Pep Boys 6590.
2. That said facility is designated with Site Code No. 0310635682.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on May 24, 2019, Donna Shehane of the of the Illinois Environmental Protection Agency's ("Illinois EPA") Des Plaines 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 June 27, 2019, Illinois EPA sent this Administrative Citation via Certified Mail No. 7015 0640 0005 6905 7814.

VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of the May 24, 2019 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent violated the Illinois Environmental Protection Act (hereinafter, the “Act”) as follows:

- (1) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1)(2018).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2018), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for the violation of Section 55(k)(1). The total civil penalty due is 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 August 27, 2019, 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 (2018), 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 Dollars (\$1,500.00) statutory civil penalty.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2018), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondents' check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

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

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2018). 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.



John J. Kim, Director
Illinois Environmental Protection Agency

Date: 6/24/19

Prepared by: Dawn A. Hollis, 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 2019-
)
v.) (IEPA No. 75-19-AC)
)
PB ACQUISITION CO ILLINOIS LLC)
)
)
Respondent.)

FACILITY: Des Plaines/Pep Boys 6590

SITE CODE NO.: 0310635682

COUNTY: Cook

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: May 24, 2019

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.

Bureau of Land – Field Operations Section

Evaluation Report**General Facility Information**

BOL ID:	0310635682	Region:	Des Plaines
USEPA ID:	ILR000199026	County:	Cook
Site Name:	Pep Boys 6590	Phone:	215-430-9226
Address:	1267 S Elmhurst Rd	Latitude:	42.02855
City/State/Zip:	Des Plaines, IL 60018	Longitude:	-87.94006
Permit No(s):	None		
Regulated As:	Used Tire Storage-Exempt		
Operational Status:	Operating		

Owner	Operator
PB Acquisition Co. Illinois LLC Attention: IL Corp Service C 801 Adlai Stevenson Drive Springfield, IL 62703	SAME

Evaluation Details

Evaluation Type	Used Tire Storage Exempt
Evaluation Date	5/24/2019
Inspector(s)	Shehane, Donna
Person(s) Interviewed	None
Previous Inspection Date	1/18/2019

Observations

Time	7:40 am - 7:45 am
Weather Conditions (Description)	E winds @ 7 mph; rain
Temperature (°F)	55 F
Samples Collected (Yes/No)	No
Number of Samples Collected (Count)	NA
Photos Taken (Yes/No)	Yes
Amount of Waste (Cubic Yards)	NA
Number of Tires (Count)	~ 50

Executive Summary

On May 24, 2019, I (Donna Shehane) conducted a second follow-up inspection at Pep Boys 6590, located at 1267 S Elmhurst Road, Des Plaines, IL 60018. The initial inspection of this facility occurred on September 4, 2018 and the first follow-up inspection occurred on January 18, 2019.

Apparent violations were again observed for water accumulation in used tires and storage of used tires in a manner that does not prevent water accumulation.

Evaluation Narrative

I arrived on site at approximately 7:40 am and drove to the back of the facility where used tires had been observed stored outside on two previous occasions. Photo # 1 was taken to the northwest and shows that used tires continue to be stored outside without adequate cover.

I walked along the line of used tires and observed that water accumulation had occurred in them. Photos # 2, # 3, and # 4 were taken of the water accumulation in the used tires.

Apparent violations were found to be continuing during this 2nd follow-up inspection for water accumulation in used tires and storage of used tires in a manner that does not prevent water accumulation.

Summary of Apparent Violation(s)

Status	Date Cited	Violation	Narrative
Continuing	9/4/2018	55(a)(3)	Except at a tire storage site containing >50 used tires, cause or allow storage of used tires unless tires are altered, reprocessed, converted, covered. or otherwise prevented from accumulating water
Continuing	9/4/2018	55(k)(1)	Cause or allow water to accumulate in used or waste tires

Attachment Listing

ID	Type	Description
No Attachments		

Digital Photographs



Site: Pep Boys 6590
(0310635682)
Cook County

Photo ID: 1
Photo Date: 5/24/2019
Photo Time: 07:42:10
Direction: NW
Taken By: Donna Shehane

Used tires observed uncovered outside



Site: Pep Boys 6590
(0310635682)
Cook County

Photo ID: 2
Photo Date: 5/24/2019
Photo Time: 07:42:15
Direction: W
Taken By: Donna Shehane

Water accumulation in used tires



Site: Pep Boys 6590
(0310635682)
Cook County

Photo ID: 3
Photo Date: 5/24/2019
Photo Time: 07:42:19
Direction: W
Taken By: Donna Shehane

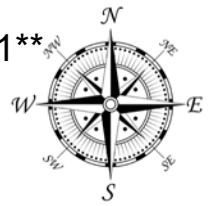
Water accumulation in used
tires



Site: Pep Boys 6590
(0310635682)
Cook County

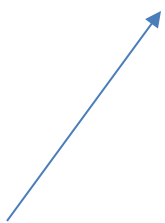
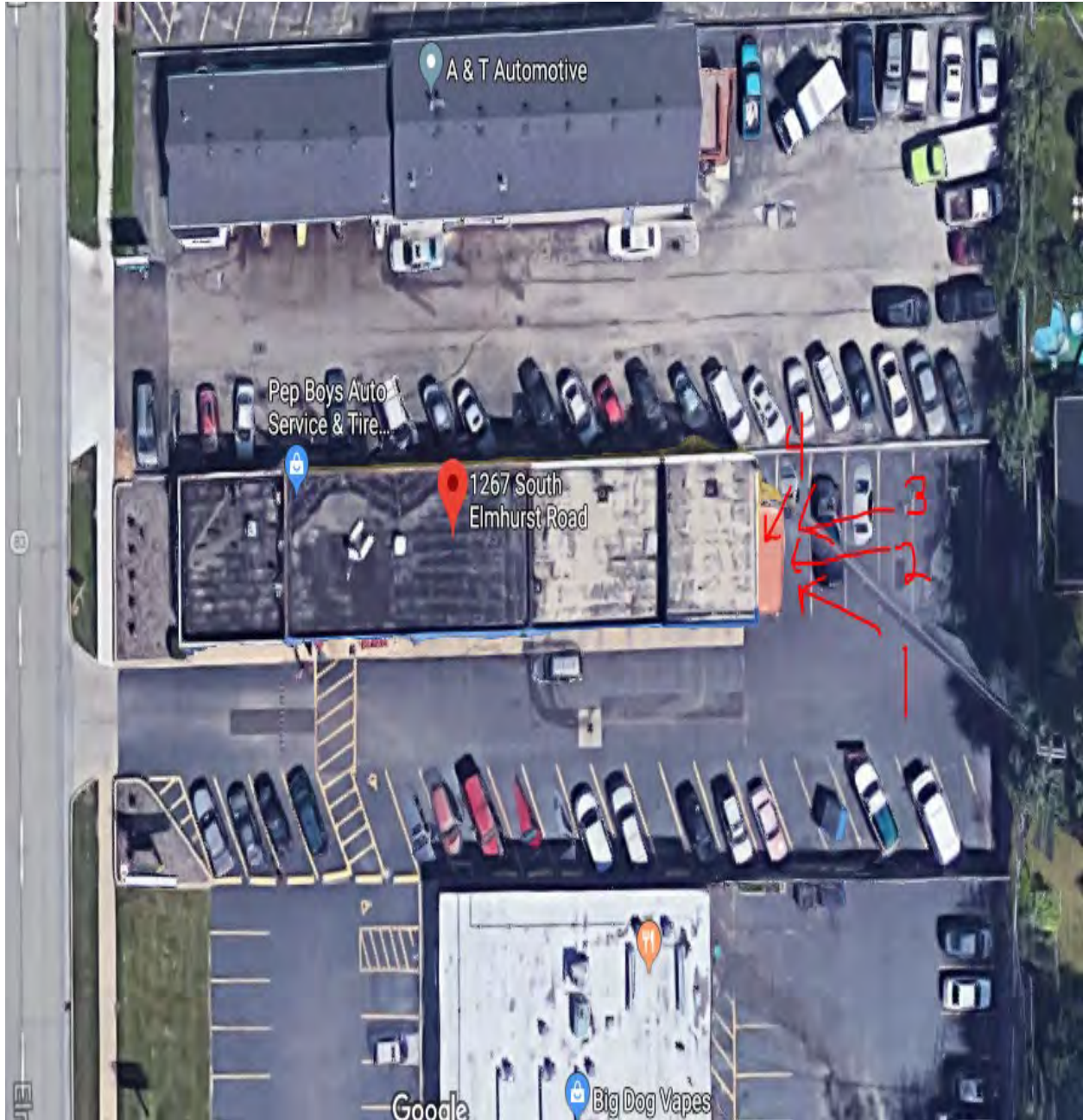
Photo ID: 4
Photo Date: 5/24/2019
Photo Time: 07:42:32
Direction: SW
Taken By: Donna Shehane

Water accumulation in used
tires



Site Diagram(s)

Site Diagram 1: May 24, 2019 • Pep Boys 6590 (0310635682) • Cook County



Indicates photo # and direction

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)
)
Pep Boys,)
)
)
Respondent)

IEPA DOCKET NO.

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

1. Affiant is a field inspector employed by the Environmental Protection Agency Bureau of Land and has been so employed at all times pertinent hereto.
2. On May 24, 2019 between 7:40 am and 7:45 am, Affiant conducted an inspection of the facility located at 1267 S Elmhurst Road, Des Plaines, Illinois, 60018 located in Cook County, Illinois. Said site has been assigned site code number BOL # 0310635682 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 28th day of May, 2019

Alex M. Summerfelt
Notary Public



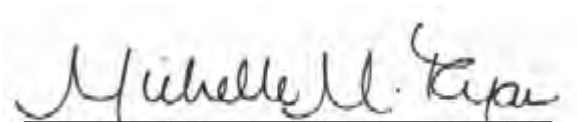
PROOF OF SERVICE

I hereby certify that I did on the 27th day of June, 2019, serve by Certified Mail, Return Receipt Requested, with postage thereon 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 OPEN DUMP INSPECTION CHECKLIST

To: PB Acquisition Co Illinois LLC
Attn: IL Corp Service C, Registered Agent
801 Adlai Stevenson Drive
Springfield, IL 62703

and the original via electronic filing on June 27, 2019

To: Don Brown, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



e-signature valid for IPCB e-filings ONLY

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