



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

DOUGLAS P. SCOTT, DIRECTOR

RECEIVED
CLERK'S OFFICE

MAY 17 2010

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

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

April 20, 2010

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

AC10-26

Re: Illinois Environmental Protection Agency v. Tuttle Grain, Inc.
IEPA File No. 145-10-AC; 0330105005—Crawford 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
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
MAY 17 2010
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
TUTTLE GRAIN, INC.,)
)
Respondent.)

AC 10-26
(IEPA No. 145-10-AC)

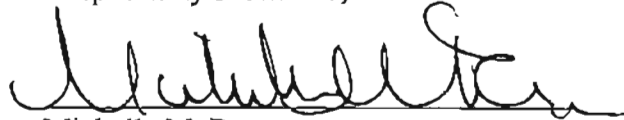
ORIGINAL

NOTICE OF FILING

To: Tuttle Grain, Inc.
Robert Tuttle, owner
~~200 W. Walnut Street~~ 17502 N. State Highway 1
Hutsonville, IL 62433 *Sek*

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
Special Assistant Attorney General

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

Dated: April 20, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
MAY 17 2010
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
TUTTLE GRAIN, INC.)
)
)
)
)
Respondent.)

AC 10-26
(IEPA No.145-10-AC)

ORIGINAL

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 (2008).

FACTS

1. That Tuttle Grain, Inc. is the current owner and operator ("Respondent") of a facility located at 200 W. Walnut Street, Hutsonville, Crawford County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Hutsonville/Tuttle Grain, Inc.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0330105005.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on April 1, 2010, Curt White of the Illinois Environmental Protection Agency's ("Illinois EPA") Champaign 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 4/20/10, Illinois EPA sent this Administrative Citation via Certified Mail No. 7008 1830 0001 4720 7899.

VIOLATIONS

Based upon direct observations made by Curt White during the course of his April 1, 2010 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 used tires, at this site, not altered, covered or otherwise prevented from accumulating water, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2008), 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 15, 2010, 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 (2008), 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.

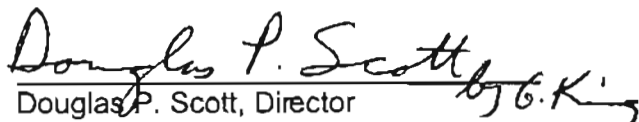
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2008), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board 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, 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 (2008). 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.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date: 4/20/10

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

RECEIVED
CLERK'S OFFICE
MAY 17 2010
STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
TUTTLE GRAIN, INC.,)
)
)
)
Respondent.)

AC 10-26
(IEPA No. 145-10-AC)

ORIGINAL

FACILITY: Hutsonville/Tuttle Grain, Inc. SITE CODE NO.: 0330105005
COUNTY: Crawford CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: April 1, 2010

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

Tire Storage Site Inspection Checklist

County: Crawford LPC#: 0330105005 Region: 4 - Champaign

City/Facility Name: Hutsonville / Tuttle Grain, Inc.

Facility Location: 200 W. Walnut Street, Hutsonville, IL Telephone: 618/563-4330

Date: 4/1/10 Time: From 11:15am To 11:45am Previous Inspection Date: 2/14/08

Inspector(s): Curt White No. of Photos Taken: # 4

Weather: Sunny & 75° F No. of Samples Taken: 0

Interviewed: N/A Complaint #: N/A

Waste Tire Hauler Used: Unkown Hauler Registration Number: _____

Responsible Party Mailing Address(es):
 Robert Tuttle, Owner
 Tuttle Grain
 PO Box 217
 Hutsonville, IL 62433

ORIGINAL

RECEIVED
CLERK'S OFFICE

MAY 17 2010

STATE OF ILLINOIS
Pollution Control Board

114

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

SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1	21(k) FAIL OR REFUSE TO PAY ANY FEE IMPOSED UNDER THIS ACT	X
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	X
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 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 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	X
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	<input type="checkbox"/>

		BOARD REGULATIONS Note: Also Mark a Violation of 848.205	
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.	X
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 One Dollar Per Tire Sold to be Paid to the Department of Revenue.	<input 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 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 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	X
	(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:	<input type="checkbox"/>

		(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.	
17	848.202(d)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN 848.202 (b) AND (c), THE OWNER OR OPERATOR AT 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 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 type="checkbox"/> All of the Building's Windows and Doors Maintained in Working Order and Secured to Prevent Unauthorized Access. (3) <input type="checkbox"/> The Building Is Maintained So That It Is Fully Enclosed and Has a Roof and Sides Which Are Impermeable to Precipitation (4) <input type="checkbox"/> The Storage of Used or Waste Tires Is not in a Single Family Home or a Residential Dwelling	<input type="checkbox"/>
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 231 D 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 a: (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"/>

Illinois Environmental Protection Agency
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC #0330105005-Crawford County

Hutsonville / Tuttle Grain, Inc.

FOS

Inspector: Curt White

Insp. Date: 4/1/10

GIS Data: Latitude-N39.1120277, Longitude-W87.6626111" (GPSmap 76S)

GENERAL REMARKS

On April 1, 2010 at 11:15 am, I conducted an inspection at Tuttle Grain formerly located at 101 W. Walnut Street, Hutsonville, IL 62433, ph# 618/563-4330 property ID No. 03-4-29-011-031-000. Tuttle Grain sold the grain elevator located at 101 W. Walnut Street, Hutsonville, IL to Annapolis Grain Co. However, Tuttle Grain still owns the adjacent property located at 200 W. Walnut Street, Hutsonville, IL which is included as part of the site at the initial inspection of the site. The purpose of the inspection was to determine regulatory status and evaluate compliance with the Environmental Protection Act (Act) and Title 35 Illinois Administrative Code, Subtitle G: Land Pollution (Regulations). The inspection consisted of walking around the site and taking pictures. No interviews were conducted during this inspection. The weather was sunny and the temperature 75° F.

Tuttle Grain formerly owned the grain elevator at the site and also has an equipment business. The grain elevator was bought by Annapolis Grain Co. They buy the equipment without tires and then purchase used tires locally to save on the cost of purchasing new tires. The site is not selling any tires at retail.

APRIL 1, 2010 INSPECTION FINDINGS

Prior to the inspection I checked the "Used Tire Database" and checked to see if the site had paid their "Tire Storage Site" fee. The fee had not been paid for the calendar year of 2008 or 2009. I arrived at the site at 11:15 am. I observed 68 floater tires, 42 semi-tires and 4 passenger tires being stored at the site (see photo 1). I inspected several of the used tires for water accumulation. I observed water accumulation along with organic matter inside the used tires (see photos 2 & 3). I used a white plastic container and dipped some water out of one of the used tire and inspected for mosquito larva. I observed mosquito larva (see photo 4). I left the site at 11:45 am.

At a previous inspection Tuttle Grain had 22 used tires dumped in weeds. Tuttle Grain sold this property containing these used tires being open dumped to Annapolis Grain. Annapolis Grain signed a Consensual Removal Agreement with the Agency and an IEPA contractor removed the used tires.

Therefore, during the inspection it was determined that the facility had returned to compliance with the apparent violations of 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 55(a)(1), 55(a)(3), 55(a)(5) and 812.101(a).

The following continuing apparent violations found in a previous inspection were again observed:

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 ½, 1001 et. seq.) {hereinafter called the "Act"}

1. Pursuant to Section 55(a)(4) of the Act, no person shall cause or allow the operation of a tire storage site except in compliance with Board Regulations.

A violation of Section 55(a)(4) is alleged for the following reason: **Apparent violations of Board Regulations were observed at this site during this inspection.**

2. Pursuant to Section 55(e) of the Act, no person shall 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.

A violation of Section 55(e) of the Act is alleged for the following reason(s): **Used tires were stored at this site in apparent violation of Board of Regulations.**

35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Waste Disposal, Chapter I: Pollution Control Board) [Regulations]

3. Pursuant to Section 848.202(b)(5) of the Regulations, Used and/or waste tires shall not be stored unless within 14 days of receipt the used tire is altered, covered, converted, reprocessed or otherwise prevented from accumulating water.

A violation of Section 848.202(b)(5) is alleged for the following reason(s): **Used tires stored at this site were not covered, altered, converted, reprocessed or otherwise prevented from accumulating water within 14 days of receipt.**

The following new apparent violations were observed:

1. Pursuant to Section 21(k) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(k)), no person shall fail or refuse to pay any fee imposed under this Act.

A violation of Section 21(k) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(k)) is alleged for the following reason: **The required \$100.00 storage site fee was not being paid.**

2. Pursuant to Section 55.6(b) of the Act, The owner or operator of each site is required to be registered under subsection (d) of Section 55 shall pay to the Agency an annual fee of \$100.00.

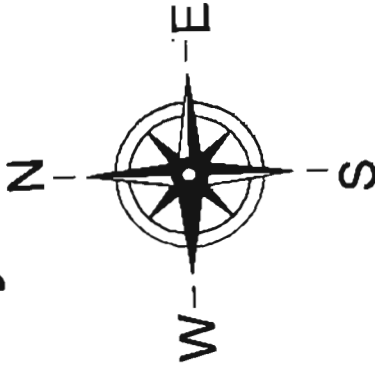
A violation of Section 55.6(b) of the Act is alleged for the following reason(s): **This site has not paid the required \$100.00 storage site fee.**

3. Pursuant to Section 55(k)(1) of the Act, no person shall cause or allow storage of any used tire unless the used tire is altered, covered, or otherwise prevented from accumulating water.

A violation of Section 55(k)(1) is alleged for the following reason: **Used tires at this site were not altered, covered, or otherwise prevented from accumulating water.**

Illinois Environmental Protection Agency

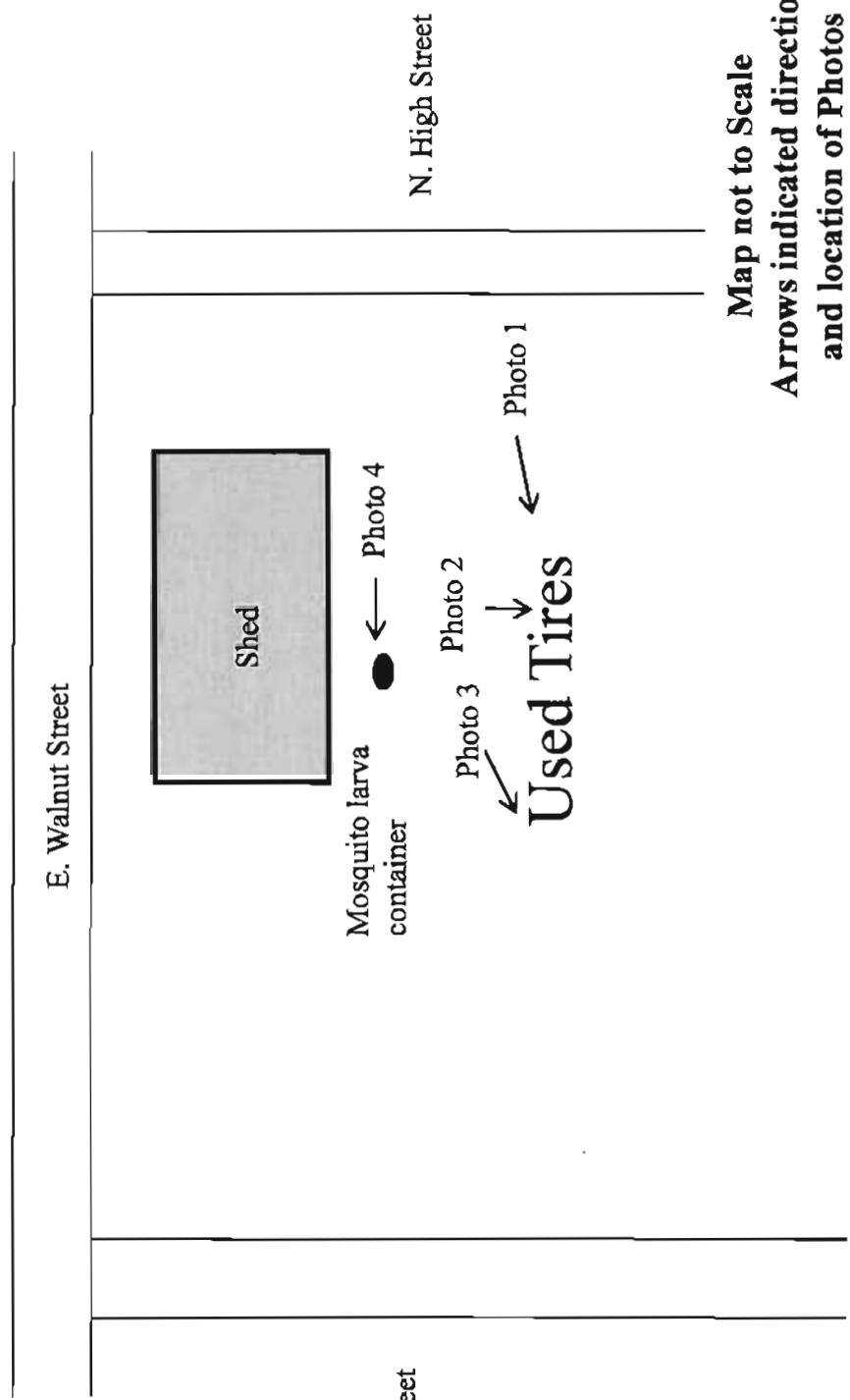
LPC #0330105005--Crawford County
Hutsonville / Tuttle Grain, Inc.
Insp. Date: 4 / 1 / 10



Site Map

Site Photos

- 1. Photo 1 @ 11:28 am
- 2. Photo 2 @ 11:28 am
- 3. Photo 3 @ 11:35 am
- 4. Photo 4 @ 11:39 am



Map not to Scale
Arrows indicated direction
and location of Photos



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 0330105005 — Crawford County
Hutsonville / Tuttle Grain, Inc.
FOS File

DATE: 4-1-2010
TIME: 11:28 AM
DIRECTION: West
PHOTO by: Curt White
PHOTO FILE NAME:
0330105005~04012010-001.jpg
COMMENTS:



DATE: 4-1-2010
TIME: 11:28 AM
DIRECTION: South
PHOTO by: Curt White
PHOTO FILE NAME:
0330105005~04012010-002.jpg
COMMENTS:



Illinois Environmental
Protection Agency

Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 0330105005 — Crawford County
Hutsonville / Tuttle Grain, Inc.
FOS File

DATE: 4-1-2010
TIME: 11:35 AM
DIRECTION: West
PHOTO by: Curt White
PHOTO FILE NAME:
0330105005~04012010-003.jpg
COMMENTS:



DATE: 4-1-2010
TIME: 11:39 AM
DIRECTION: West
PHOTO by: Curt White
PHOTO FILE NAME:
0330105005~04012010-004.jpg
COMMENTS:



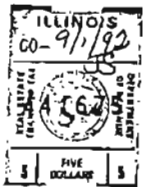
033-0105005 - Crawford Co
Hutsonville/Tuttle Grain
FOS file

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, that the Grantor, MONT EAGLE MILLS, INC., a corporation created and existing under and by virtue of the laws of the State of Illinois, duly authorized to transact business in the State of Illinois, of the Village of Oblong, Crawford County, Illinois, for the consideration of Ten Dollars (\$10.00), and pursuant to authority given by the Board of Directors of said corporation, conveys and warrants unto TUTTLE GRAIN, INC., an Illinois Corporation, of the Town of Hutsonville, County of Crawford, and State of Illinois, the following described real estate, to-wit:

Tract #1. Lots 76 and 77 in Preston, Pearce and Stanford's Addition to the Village of Hutsonville, Illinois.

Tract #2. Commencing at a point Eighty (80) feet West of the Northwest Corner of Lot No. Eighty-three (83) in Preston, Pearce and Stanford's Addition to the Town, now Village of Hutsonville, running thence West on a line with the South side of Parker Street Seventy-one (71) feet, thence South on a parallel line with the right of way of what is now the Cleveland, Cincinnati, Chicago and St. Louis Railway to the North bank of the creek that runs across the Northeast corner of Section Twenty-nine (29) in what is known as the Pearce field, thence down the Northern bank of said creek to said right of way, thence North on the West line of said right of way to the place of beginning.



ALSO,

Commencing at a point Forty-eight (48) feet in a Southerly direction from the Southeast Corner of the J. A. Boyll Mill lot along the line of the Big Four Railroad switch yard, thence along the line of said switch yard in a Southerly direction Three Hundred Thirty (330) feet, thence West One Hundred Thirty-two (132) feet, thence in a Northwesterly direction generally parallel to the creek as now located to a point One Hundred (100) feet, more or less, due south of the South line of the street running West from Boyll's Mill as now located, thence North to the South line of said street a distance of One Hundred (100) feet, more or less, thence East along the South side of the existing street Two Hundred (200) feet, more or less, to the point of beginning, containing one and one-third (1-1/3) acres more or less.

Tract #3. Commencing at a point where the West line of the right of way of the C.C.C. & St. Louis Railroad intersects the North edge of Walnut Street in the Town of Hutsonville, Illinois, thence in a Northerly direction along the West line of said Railroad right of way 220.0 feet, thence West along a line parallel to the North edge of Walnut Street 265.0 feet to the point of beginning, thence West 150.0 feet, thence South in a Southerly direction along a line parallel to the West line of said Railroad right of way 220.0 feet, thence East 150.0 feet, thence North along a

B 250
COUNTY REVENUE STAMP

289

line parallel to the West line of said Railroad right of way to the point of beginning. Land described being located in the Northwest Quarter of the Northwest Quarter of Section 29, Township 8 North, Range 11 West;

ALSO: Beginning at a point 678 feet East of the Northwest Corner of Section 29, in Township 8 North, Range 11 West of the Second Principal Meridian, thence South 252 feet to a point of beginning, thence South 437.5 feet to the North edge of Walnut Street in the Village of Hutsonville, thence East along the North edge of said Street 352.5 feet, thence in a Northerly direction 16 degrees 23 minutes West parallel to the right of way of the CCC & STL railway 220 feet, thence West 27.0 feet, thence North 230.5 feet, thence West 251.5 feet to the point of beginning.

All situated in the County of Crawford, State of Illinois.

Subject to the lien of accrued general real estate taxes for the year 1992, due and payable in 1993, which the Grantee herein assumes and agrees to pay.

Subject to rights of the municipality, State of Illinois, the public and adjoining owners in and to any part of the premises falling in streets, alleys, roads or highways.

Subject to rights of the public or quasi public utilities, if any, for maintenance and in all poles, conduits, sewers, etc.

situated in the County of Crawford and State of Illinois.

IN WITNESS WHEREOF, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its President and by its Secretary, this 25th day of August, 1992.

MONT EAGLE MILLS, INC.

BY: [Signature]
ROBERT B. GLAZEN, President

ATTEST: [Signature]
H. ERIC EUBANK, Secretary

(SEAL)

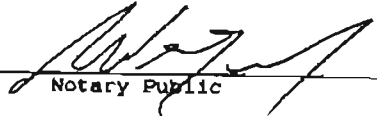
STATE OF ILLINOIS)
) SS.
COUNTY OF CRAWFORD)

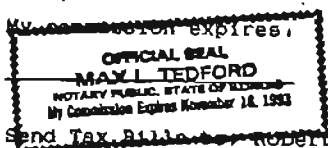
I, the undersigned, a Notary Public, in and for said county, in the state aforesaid, DO HEREBY CERTIFY that ROBERT B. GLAZEN, personally known to me to be the President of MONT EAGLE MILLS, INC., and H. ERIC EUBANK, personally known to me to be the Secretary of said corporation, and personally known to me to be

870

the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such President and Secretary they signed and delivered the said instrument as President and Secretary of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 25 day of August, 1992.


Notary Public



Send Tax Bills to: ROBERT Tuttle
Tuttle Grain, Inc.
RR 1
Hutsonville, IL 62433

This instrument prepared by:
Frank J. Weber
COX, PHILLIPS, WEBER, TEDFORD & HEAP, P.C.
Attorneys at Law
216 South Cross Street
Robinson, IL 62454
(618) 544-8561

State of Illinois
CRAWFORD COUNTY 4 BR Q-2444
This instrument filed for record in the
Recorder's Office Crawford County, Illinois
SEP 2 1992
at 2:25 P.M. and recorded in Book 270
of 988 Page 289
J. K. Kauter
Recorder

RECEIVED
CLERK'S OFFICE

MAY 17 2010

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

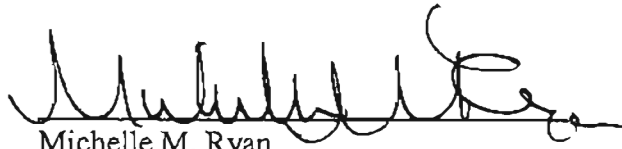
I hereby certify that I did on the 20th day of April, 2010, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and TIRE STORAGE SITE INSPECTION CHECKLIST

To: Tuttle Grain, Inc.
Robert Tuttle, owner
~~200 W. Walnut Street~~ 17502 N. State Highway 1
Hutsonville, IL 62433 *St*

ORIGINAL

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