



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

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

January 23, 2012

AC12-25

RECEIVED
CLERK'S OFFICE
JAN 25 2012
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
RETURN TO CLERK'S OFFICE

Re: Illinois Environmental Protection Agency v. Johnson Truck Sales Inc.
IEPA File No. 1-12-AC: 1930355008—White 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 Open Dump 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

INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative Citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

JAN 25 2012

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
JOHNSON TRUCK SALES INC.,)
)
Respondent.)

AC 12-25
(IEPA No. 1-12-AC)

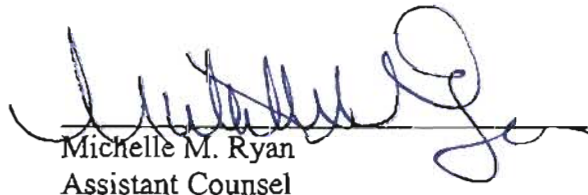
NOTICE OF FILING

To: Johnson Truck Sales, Inc.
c/o Grant Cape
105 S Commercial
P.O. Box 972
Harrisburg, IL 62946

ORIGINAL
RETURN TO: CLERK'S OFFICE

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,


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: January 23, 2012

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JAN 25 2012
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
JOHNSON TRUCK SALES INC.,)
Respondent.)

AC 12-25
(IEPA No. 1-12-AC)

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RETURN TO [illegible]

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 Johnson Truck Sales is the current operator ("Respondent") of a facility located at 508 US Highway 45 south of Norris City, White County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Norris City/Johnson Truck Sales.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1930355008.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on November 29, 2011, Phillip Fatka of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 1/23/12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 0100.

VIOLATIONS

Based upon direct observations made by Phillip Fatka during the course of his November 29, 2011 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2010).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of waste in standing or flowing waters, a violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2010).
- (3) That Respondent 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) (2010).
- (4) 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) (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 Six Thousand Dollars (\$6,000.00). 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 February 15, 2012, 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 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 (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.


John J. Kim Interim Director
Illinois Environmental Protection Agency

Date: 1/23/2012

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

JAN 25 2012

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
JOHNSON TRUCK SALES INC.,)
Respondent.)

AC 12-25
(IEPA No. 1-12-AC)



FACILITY: Norris City/Johnson Truck Sales
SITE CODE NO.: 1930355008
COUNTY: White
CIVIL PENALTY: \$6,000.00
DATE OF INSPECTION: November 29, 2011

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

RECEIVED
CLERK'S OFFICE
JAN 25 2012
STATE OF ILLINOIS
Pollution Control Board

County: White LPC#: 1930355008 Region: 7 - Marion
 Facility Name: Johnson Truck Sales
 Facility Location: 508 US Hwy 45, Norris City, IL 62869 Telephone: 618/378-3754
 Inspection Date: 11-29-2011 Time: From 12:45pm To 4:00pm Previous Inspection Date: 3-14-2008
 Inspector(s): P. Patka*, G. Gross, B. Jayne No. of Photos Taken: 32
 Weather: ~35 F. Raining No. of Samples Taken: _____
 Interviewed: Jerry Johnson (owner & operator) Complaint #: _____
 Waste Tire Hauler Used: Self Hauler Registration Number: T7531

Responsible Party Mailing Address(es):
 Johnson Truck Sales
 Attn: Jerry Johnson
 508 US Hwy 45
 Norris City, IL 62869

1,000

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

ORIGINAL
RETURN TO _____

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(c) 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 Two Dollars and Fifty Cents (\$2.50) 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 checked="" 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 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 checked="" 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 checked="" type="checkbox"/>
	(2)	Meet the Record Keeping and Reporting Requirements of Part 848: Subpart C Note: Also Mark a Violation of Subpart C	<input checked="" 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 checked="" 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"/>
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 mosquitoes 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:	

	(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 checked="" type="checkbox"/>
	(3)	Meet the record keeping and reporting requirements of Subpart C Note: Also Mark a Violation of Section 848, Subpart C	<input checked="" 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"/>
	(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			
24	848.302(a)	The owner/operator shall keep on site a: (1) <input checked="" type="checkbox"/> Daily Tire Record (2) <input checked="" type="checkbox"/> Annual Tire Summary	<input checked="" type="checkbox"/>
25	848.303(a)	FAILURE TO MAINTAIN A DAILY TIRE RECORD THAT INCLUDES: <input checked="" type="checkbox"/> Day of the Week <input checked="" type="checkbox"/> Date <input checked="" type="checkbox"/> Agency Site Number <input checked="" type="checkbox"/> Site Name and Address	<input checked="" type="checkbox"/>
26	848.303(b)	FAILURE TO RECORD IN THE DAILY TIRE RECORD THE FOLLOWING INFORMATION (1) <input checked="" type="checkbox"/> Weight or volume of used or waste tires received at the site during the operating day (2) <input checked="" type="checkbox"/> Weight or volume of used or waste tires transported from the site and the destination of the tires so transported. (3) <input checked="" type="checkbox"/> Total number of used or waste tires remaining in storage at the conclusion of the day. (4) <input checked="" type="checkbox"/> Weight or volume of used or waste tires burned or combusted during the day.	<input checked="" type="checkbox"/>
27	848.304	FAILURE TO MAINTAIN ON SITE AN ANNUAL TIRE SUMMARY FOR EACH CALENDAR YEAR THAT INCLUDES:	
	(a)	The site number, name and address and the calendar year for which the summary applies.	<input checked="" type="checkbox"/>
	(b)(1)	The weight or volume of used or waste tires received at the site during the calendar year.	<input checked="" type="checkbox"/>
	(b)(2)	The weight or volume of used or waste tires transported from the site during the calendar year.	<input checked="" 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 checked="" type="checkbox"/>

	(b)(4)	The weight or volume of used or waste tires combusted during the calendar year.	<input checked="" type="checkbox"/>
28	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input checked="" type="checkbox"/>
29	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

30	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"/>
31	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"/>
32	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"/>
33	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"/>
34	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"/>
35	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>

PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS

36	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"/>
37	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"/>
38	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"/>
39	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 DISPOSED AT A TIRE STORAGE SITE

40	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS.	<input type="checkbox"/>
41	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>

42	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
43	12(d)	CREATE A WATER POLLUTION HAZARD	<input checked="" type="checkbox"/>
44	21(a)	CAUSE OR ALLOW OPEN DUMPING <input checked="" type="checkbox"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE	<input checked="" type="checkbox"/>
45	21(d)(2)	CONDUCT A WASTE STORAGE 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"/>
46	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"/>
47	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 checked="" type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input checked="" type="checkbox"/>
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
48	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
	(5)	Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property	<input checked="" type="checkbox"/>
49	848.202(b)(6)	Used or Waste Tires Shall not be Abandoned, Dumped or Disposed on Private or Public Property in Illinois. Except in a Landfill Permitted by the Agency Pursuant to 35 Ill. Adm. Code 807 or 811.	<input checked="" type="checkbox"/>
OTHER REQUIREMENTS			
50		APPARENT VIOLATION OF: <input type="checkbox"/> PCB CASE NUMBER: <input type="checkbox"/> CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
50	415 ILCS 97/15(g)(1)	Failure to remove all mercury switches from end-of-life vehicles prior to delivering the vehicles to an on-site or off-site vehicle crusher or to a scrap metal recycler.	<input checked="" type="checkbox"/>
51	415 ILCS 97/15(g)(2)	No vehicle recycler, vehicle crusher, or scrap metal recycler shall flatten, crush, or otherwise process an end-of-life vehicle for recycling unless all mercury switches have been removed from the vehicle.	<input checked="" type="checkbox"/>
52	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
53	722.111	HAZARDOUS WASTE DETERMINATION	<input checked="" type="checkbox"/>
54	808.121	SPECIAL WASTE DETERMINATION	<input checked="" type="checkbox"/>
55	739.122(c)(1)	Containers and tanks used to store used oil must be labeled or marked clearly with the words "Used Oil".	<input checked="" type="checkbox"/>
56	55(k)(1)	Cause or allow water to accumulate in used or waste tires.	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Signature of Inspector(s): _____

Informational Notes.

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G, Chapter I, Subchapter m, Part 848.
4. 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.
5. 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.
6. 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).
7. Items marked with an "NE" were not evaluated at the time of this inspection .

Illinois Environmental Protection Agency
Narrative Inspection Report

Site #: 1930355008

Date: 11-29-11

County: White

Inspector: Phillip Fatka

Subject: Used Tire Storage Inspection at Johnson Truck Sales

General Remarks

G.P.S.: N 37.952582, W 88.337865

Time: 12:45pm~4:00pm

Owner of Property: Jerry Johnson

Weather: ~35°F, Raining

Soil Conditions: Muddy

This inspection was made as an assigned Used Tire Storage Inspection by this office. The site is located at 508 US Highway 45 south of Norris City, Illinois. The site was easily accessed by US Highway 45. Garrison Gross, of this office, and Becky Jayne, from the Springfield office, accompanied this inspector on the site inspection. We approached the office and knocked on the door but it was closed for lunch. Shortly after 1pm some of the employees returned from their lunch break and opened the office. We informed them who we were and provided credentials. The employees informed us that Jerry Johnson, the site owner, was out on a towing run and they were uncertain when he would return. We told the employees that we would begin our inspection of the facility, and return to the office afterwards to speak with Mr. Jerry Johnson. 32 pictures were taken of the site.

We observed 24 batteries of various sizes near the office, as well as five (5) apparently unlabeled drums, each containing some fluid. We also observed ~40 tires near this area, some of which were off-rim and holding water. To the south of the shop area and to the east of the office we observed ~65 used tires, some off-rim and holding water, and 11 unlabeled drums. At least four (4) box trailers were observed with tires stored in them. As we moved toward the scale, freely moving sheen was observed on puddles of storm water. Near the scale there was a "grappler" type vehicle, and ~70 used tires were observed near this vehicle. Three (3) lead-acid batteries were also observed near the scale. Refrigerant tanks were also observed, as were broken pieces of foam insulation that appeared to be General Construction and/or Demolition Debris (GC/DD). Two trailers were observed with IL Tire Hauler stickers on them, both expired as of 10-31-09. One of these trailers was empty, and the other had ~500 tires in it. More foam cushioning, insulation, and other debris from automotive interiors was also observed near these trailers, as well as near the small pond in the south east portion of this property.

As we were leaving the south east area of this property to walk the remainder of the yard, Mr. Johnson and his son, who is employed at this facility, arrived to speak with us. We informed him of who we were and what we were looking for and at, and after a brief discussion Mr. Johnson stated that he would wait in the office for us to complete our inspection.

This salvage yard primarily deals in trucks, ranging from passenger pick-up trucks to semi-truck tractors. Passenger cars are also present at this site, and some were observed to be the correct age to have mercury switches in them, and a mercury switch was obtained from the hood of a vehicle. There were more tires observed on the yard, with ~20 in the back of one pickup truck, and ~30 in the back of another pickup truck. Numerous truck and trailer axles were observed with tires still mounted on them as well. Additionally, four (4) 55-gallon steel drums were observed to be full, and were labeled both as motor oil and as “BAD GAS”. There was standing water on the top of the drums, and they were rusted. Another rusted 55-gallon drum was observed with an open bung, and appeared to contain a commixture of oil and water. It was estimated that ~1,000 used tires, both on and off rim, some of which were holding water, ~30 55-gallon barrels containing unknown substances in unknown amount, ~30 lead-acid batteries, and ~75 cubic yards of general and automotives wastes was observed on site.

We then entered the office and spoke with Mr. Johnson and staff. Mr. Johnson was asked who was hauling his tires, and where they were being hauled to. We were informed that Johnson Truck Sales self-hauls to Martin’s Tire Recycling in Kentucky. Receipts showed that on 9-4-08 11.27 tons and on 9-5-08 11.96 tons were hauled to this facility, and no records of tire disposal since then were available. ST-8 forms were provided, and showed that 20 tires were sold during the 3rd quarter of this year and 38 during the 2nd quarter. Mr. Johnson was then asked how automotive fluids were handled. He replied that they were drained into 55-gallon drums with a funnel, or into a tub for transmission fluid, and that used oils were blended and burned for heat at a nearby John Deere dealership, gasoline was filtered and used on-site, and that anti-freeze was recycled. Becky Jayne also informed Mr. Johnson and staff about the [Illinois] Mercury Switch Removal Act, and gave them information about the End-of-Life Vehicle Solutions (ELVS) group. On December 1, 2011 Ms. Jayne received confirmation that Johnson Truck Sales had enrolled in the ELVS program.

Findings:

This site is registered as an Exempt Tire Storage facility. While they do sell 20~40 tires at retail per quarter (according to provided ST-8 forms), they have over 250 tires, and not all of these tires are stored in suitable buildings or structures. Because of this they no longer meet the exemption, and are currently an unregistered tire storage facility with ~1,000 tires on-site (not including those still on an axle and capable of holding air).

The following conditions, which constitute violations, were observed:

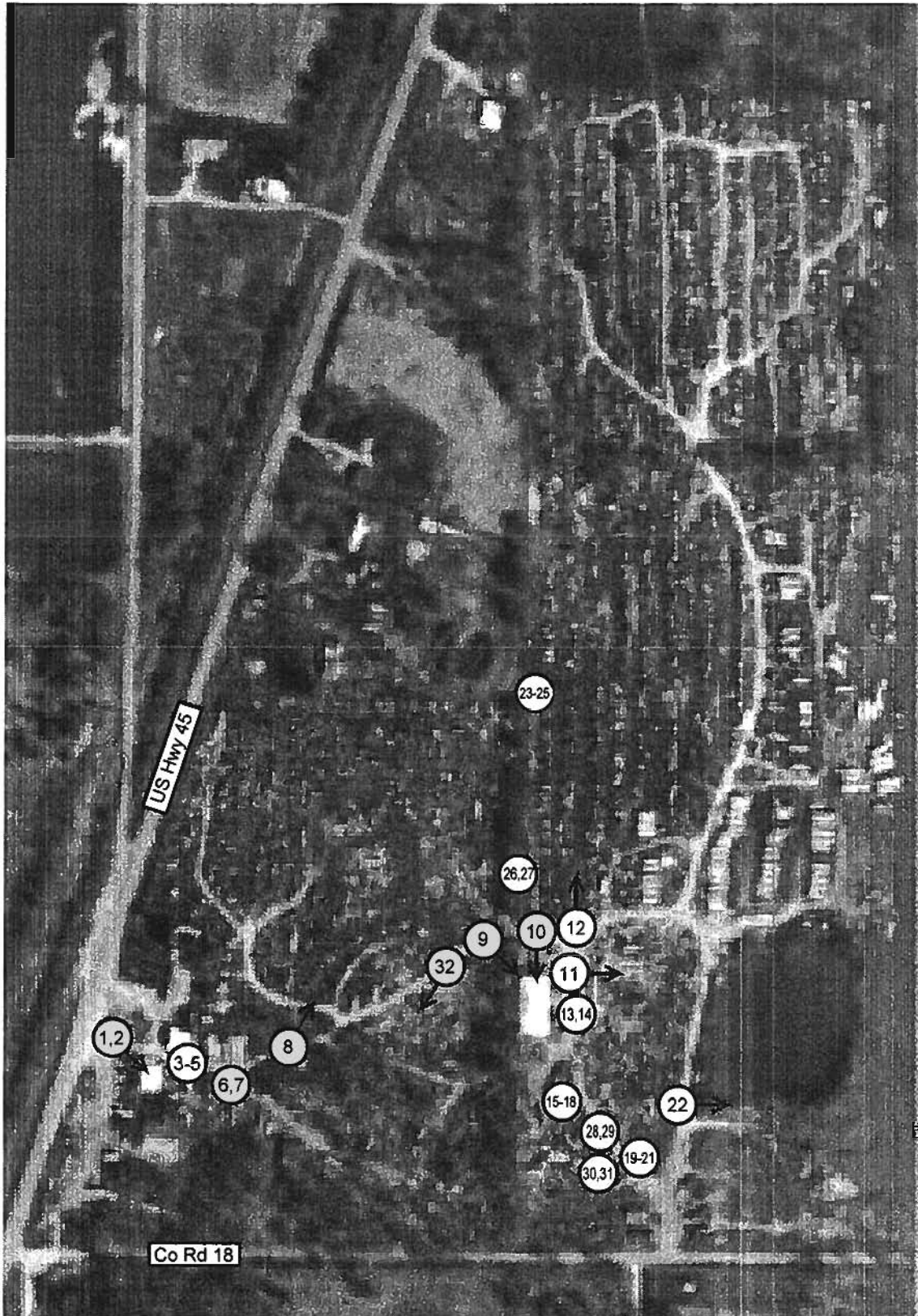
This site is registered as an Exempt Tire Storage facility, but does not currently meet the exemptions, and is not registered as, or is operating as, a Tire Storage facility.

- Annual Tire Storage registration fee has not been paid.
- Tires have not been removed from the site since 9-5-2008.
- Tires are stored in piles that are not separated from buildings by at least 25’.
- Tires were observed to be holding water.
- A contingency plan meeting the requirements of 848.203 was not available.
- Record keeping & reporting required by Part 848: Subpart C were not available.
- Tires were accumulated less than 50’ from grass, weeds, brush, & similar vegetation.

Narrative
LPC #1930355008 – White
Norris City/Johnson Truck Sales
Page 3 of 3

Additionally, the following non-tire storage violations were observed:

- Free-flowing sheen consistent with spilled automotive fluids was seen on top of puddles and following drainage paths.
- Used tires and other wastes such as insulation, General Construction and/or Demolition Debris (GC/DD), seat cushions and upholstery, and other wastes were observed deposited directly on the ground and unprotected from the elements. Some of these wastes were near surface water and/or drainage paths.
- The deposition of waste materials in this manner meets the definition of disposal, making this site a landfill. No permit to develop or operate a landfill has been granted by this Agency, nor has an application for a permit to develop or operate a landfill at this site been received by this Agency.
- This facility processes more than six (6) end-of-life vehicles a year, and was not removing the mercury switches from the vehicles that are being processed at the time of this inspection.
- Numerous 55-gallon drums were observed on site. These drums were either unlabeled or unclearly labeled, and many contained unknown substances.





DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 1:53pm
Direction: SE
Photo by: P. Fatka
Exposure #: 001
Comments: Partially
filled drums with
weathered labels.



Date: 11-29-2011
Time: 1:53pm
Direction: SE
Photo by: P. Fatka
Exposure #: 002
Comments: Lead acid
batteries and office
entrance.

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 1:53pm
Direction: SW
Photo by: P. Fatka
Exposure #: 003
Comments: Used tires
near the office.



Date: 11-29-2011
Time: 2:09pm
Direction: down
Photo by: P. Fatka
Exposure #: 004
Comments: Used tire
holding water.

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 2:10pm
Direction: S
Photo by: P. Fatka
Exposure #: 005
Comments: Used truck
tires.



Date: 11-29-2011
Time: 2:11pm
Direction: N
Photo by: P. Fatka
Exposure #: 006
Comments: Used truck
tires.

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 2:11pm
Direction: N
Photo by: P. Fatka
Exposure #: 007
Comments: Used tires in
a box trailer.



Date: 11-29-2011
Time: 2:12pm
Direction: NE
Photo by: P. Fatka
Exposure #: 008
Comments: 55-gallon
drums and scrap metal.

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 2:14pm
Direction: SE
Photo by: P. Fatka
Exposure #: 009
Comments: Rusted and unlabeled 55-gallon drums.



Date: 11-29-2011
Time: 2:14pm
Direction: S
Photo by: P. Fatka
Exposure #: 010
Comments: Unlabeled 55-gallon drums.

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 2:15pm
Direction: E
Photo by: P. Fatka
Exposure #: 011
Comments: Used tires in
a box trailer.



Date: 11-29-2011
Time: 2:15pm
Direction: N
Photo by: P. Fatka
Exposure #: 012
Comments: Used tires in
a box trailer.

File Names: 1930355008-11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 2:17pm
Direction: SE (down)
Photo by: P. Fatka
Exposure #: 013
Comments: Flowing
sheen on a puddle.



Date: 11-29-2011
Time: 2:17pm
Direction: S (down)
Photo by: P. Fatka
Exposure #: 014
Comments: View showing
the extent of the sheen on
a puddle.

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 2:18pm
Direction: N
Photo by: P. Fatka
Exposure #: 015
Comments: Expired IL
Tire Hauler sticker.



Date: 11-29-2011
Time: 2:19pm
Direction: W
Photo by: P. Fatka
Exposure #: 016
Comments: Open
dumped foam insulation
and General Construction
and/or Demolition Debris
(GC/DD).

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 2:19pm
Direction: NW
Photo by: P. Fatka
Exposure #: 017
Comments: More
insulation and GC/DD.



Date: 11-29-2011
Time: 2:19pm
Direction: W (down)
Photo by: P. Fatka
Exposure #: 018
Comments: Refrigerant
tank surrounded by scrap
metal and assorted debris.

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 2:20pm
Direction: S
Photo by: P. Fatka
Exposure #: 019
Comments: Used tires
and open buckets.



Date: 11-29-2011
Time: 2:21pm
Direction: E
Photo by: P. Fatka
Exposure #: 020
Comments: Used tires.
Small pond on property
can be seen in
background.

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 2:21pm
Direction: down
Photo by: P. Fatka
Exposure #: 021
Comments: Used tire
holding water.



Date: 11-29-2011
Time: 2:22pm
Direction: E
Photo by: P. Fatka
Exposure #: 022
Comments: Open
dumped automotive
interior material (seat
cushions and covers).
Small pond on property
visible in background.

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 2:57pm
Direction: E
Photo by: P. Fatka
Exposure #: 023
Comments: Used tires.



Date: 11-29-2011
Time: 2:59pm
Direction: W
Photo by: P. Fatka
Exposure #: 024
Comments: Four (4) 55-gallon drums labeled as both 15w40 motor oil and as "BAD GAS".

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 2:59pm
Direction: W (down)
Photo by: P. Fatka
Exposure #: 025
Comments: View of the tops of the barrels showing they are holding water and rusting.



Date: 11-29-2011
Time: 3:03pm
Direction: NW
Photo by: P. Fatka
Exposure #: 026
Comments: Rusted barrel with open bung. Contents appeared to be a mixture of water and a petroleum product.

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 3:04pm
Direction: NW
Photo by: P. Fatka
Exposure #: 027
Comments: Used tires,
wires, and general debris.



Date: 11-29-2011
Time: 3:06pm
Direction: SW
Photo by: P. Fatka
Exposure #: 028
Comments: Stained soil,
used tires, and white
goods.

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 3:06pm
Direction: down
Photo by: P. Fatka
Exposure #: 029
Comments: Sheen on a puddle.



Date: 11-29-2011
Time: 3:07pm
Direction: N
Photo by: P. Fatka
Exposure #: 030
Comments: Expired Tire
Hauler sticker.

File Names: 1930355008~11292011-[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: 11-29-2011
Time: 3:08pm
Direction: E
Photo by: P. Fatka
Exposure #: 031
Comments: Used tires in the silver trailer with the expired tire hauler registration sticker.



Date: 11-29-2011
Time: 3:14pm
Direction: SW
Photo by: P. Fatka
Exposure #: 032
Comments: Scrap metal, debris, and general wastes in standing water. Used tires can be seen in the pile in the background.

File Names: 1930355008~11292011-[Exp. #].jpg

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
 v.)
)
 Johnson Truck Sales)
)
 Respondent.)

Ac 12-25

RECEIVED
CLERK'S OFFICE
JAN 25 2012

STATE OF ILLINOIS
Pollution Control Board
ORIGINAL

AFFIDAVIT

RETURN TO CLERK'S OFFICE

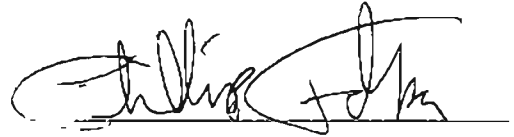
Affiant, Phillip Fatka, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On November 29, 2011, between 12:45pm and 4:00pm, Affiant conducted an inspection of a disposal site operated by Jerry Johnson, located in White County, Illinois, and known as Johnson Truck Sales by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1930355008 by the Agency.


3. Affiant inspected said Used Tire Storage 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 Used Tire Storage site.



Subscribed and Sworn to before me

this 29th day of December


Notary Public

(Initial Block)



RECEIVED
CLERK'S OFFICE

JAN 25 2012

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

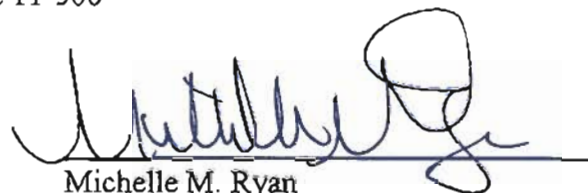
I hereby certify that I did on the 23rd day of January 2012, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

ORIGINAL
RETURN TO CLERK'S OFFICE

To: Johnson Truck Sales, Inc.
c/o Grant Cape
105 S Commercial
P.O. Box 972
Harrisburg, IL 62946

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