



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-8387

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

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CLERK'S OFFICE
OCT 11 2012
STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817

TDD: (217) 782-9143

October 5, 2012

ORIGINAL
RETURN TO CLERK'S OFFICE

4013-20

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

Re: Illinois Environmental Protection Agency v. Thomas E. Barker and John H. & Debra L. Barker
IEPA File No. 226-12-AC; 0250055007—Clay 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 *by JCR*

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
THOMAS E. BARKER and JOHN H. & DEBRA)
L. BARKER,)
)
Respondents.)

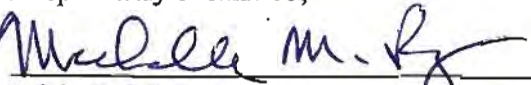
AC 13-20
(IEPA No. 226-12-AC)

NOTICE OF FILING

To: Thomas E. Barker
200 West Market Street
McLeansboro, IL 62859

John H. & Debra L. Barker
Rt. 1, Box 297 B
McLeansboro, IL 62859

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
by JAR

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

Dated: October 5, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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OCT 11 2012
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
THOMAS E. BARKER and JOHN H. &)
DEBRA L. BARKER,)
)
)
)
Respondents.)

AC 13-20
(IEPA No. 226-12-AC)

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 Thomas E. Barker and John H. & Debra L. Barker are the current owners ("Respondents") of a facility located at 305 South Main Street, Clay City, Clay County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Barker-Lewis.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0250055007.
3. That Respondents have owned said facility at all times pertinent hereto.
4. That on August 30, 2012, Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 10-5-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2510 0001 8588 3796 ^{Thomas E. Barker} 7004 2510 0001 8588 3802 ^{John & Debra Barker}

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of the August 30, 2012 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2010).
- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in proliferation of disease vectors, a violation of Section 21(p)(5) of the Act, 415 ILCS 5/21(p)(5) (2010).
- (3) That Respondents caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than November 15, 2012, unless otherwise provided by order of the Illinois Pollution Control Board.

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

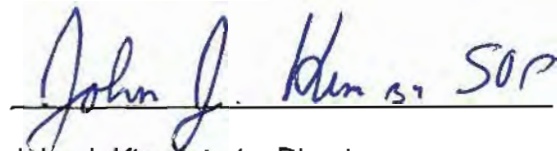
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

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

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

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

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

 John J. Kim *Interim Dir. SOP*

John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date:

10/4/12

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

REMITTANCE FORM

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OCT 11 2012
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
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v.)
)
THOMAS E. BARKER and JOHN H. &)
DEBRA L. BARKER,)
)
)
)
Respondents.)

AC 13-20
(IEPA No. 226-12-AC)

FACILITY: Barker-Lewis
SITE CODE NO.: 0250055007
COUNTY: Clay
CIVIL PENALTY: \$4,500.00
DATE OF INSPECTION: August 30, 2012

DATE REMITTED:
SS/FEIN NUMBER:
SIGNATURE:

NOTE

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

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OCT 11 2012
STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

A013-20

AFFIDAVIT

I, Garrison Gross, being first duly sworn upon oath, depose and state as follows:

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

2. On August 30, 2012, between 10:15 a.m. and 10:30 a.m., Affiant conducted an inspection of the Thomas E. Barker and John H. & Debra L. Barker property in Clay County, Illinois, known as Barker-Lewis by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0250055007 by the Agency.

3. Affiant inspected said Barker-Lewis 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 Barker-Lewis site.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before
me this 17th day of September, 2012

Gail Stricklin
Notary Public

OFFICIAL SEAL
GAIL STRICKLIN
Notary Public, State of Illinois
My Commission Expires 08-03-14

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Tire Disposal Site Inspection Checklist

County: Clay LPC#: 0250055007 Region: 7- Marion
 City/Facility Name: Clay City / Barker-Lewis
 Facility Location: 305 South Main Street Telephone: _____
 Date: August 30, 2012 Time: From 10:15 AM To 10:30 AM Previous Inspection Date: April 1, 2009
 Inspector(s): Garrison Gross No. of Photos Taken: # 8
 Weather: clear skies, 75°F, light breeze No. of Samples Taken: none
 Interviewed: no one at the site. Complaint #: none
 Waste Tire Hauler Used: unknown Hauler Registration Number: unknown

Send Inspection Report To: Thomas E. Barker John H. & Debra L. Barker
200 West Market Street Rt. 1 Box 297 B
McLeansboro, IL 62859 McLeansboro, IL 62859

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 STATE OF ILLINOIS
 Pollution Control Board

170 Estimated Number of Used Tires Located At This Facility

SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1.	9(a) CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS.	<input type="checkbox"/>
2.	9(c) CAUSE OR ALLOW OPEN BURNING.	<input type="checkbox"/>
3.	12(a) CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS.	<input type="checkbox"/>
4.	12(d) CREATE A WATER POLLUTION HAZARD.	<input type="checkbox"/>
5.	21(a) CAUSE OR ALLOW OPEN DUMPING <input checked="" type="checkbox"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE	<input checked="" type="checkbox"/>
6.	21(d) CONDUCT A WASTE-STORAGE, TREATMENT, OR DISPOSAL OPERATION:	
	(1) without a permit granted by the Agency Note: cite only at tire disposal sites where tires are <u>first</u> disposed after 1/1/92. Also Mark 848.501(c), and 812.101(a) in (Other Requirements). Also cite when other <u>off-site generated</u> waste has been disposed	<input checked="" type="checkbox"/>
	(2) 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"/>
7.	21(e) DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE EXCEPT AT A SITE WHICH MEETS THE REQUIREMENTS OF THIS ACT AND REGULATIONS. Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
8.	21(p) CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1) Litter	<input checked="" type="checkbox"/>
	(2) Scavenging	<input type="checkbox"/>
	(3) Open Burning	<input type="checkbox"/>
	(4) Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5) Proliferation of Disease Vectors	<input checked="" type="checkbox"/>
	(6) Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
	(7) Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
9.	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"/>
	(6)	Fail to submit required reports or tire removal agreements	<input type="checkbox"/>
10.	55(c)	FAILURE TO FILE THE REQUIRED NOTIFICATION WITH THE AGENCY BY 1/1/90 OR WITHIN 30 DAYS OF COMMENCEMENT OF THE DISPOSAL ACTIVITY.	<input type="checkbox"/>
11.	55(d)(2)	CAUSING OR ALLOWING THE OPERATION OF A TIRE DISPOSAL SITE WITHOUT SUBMITTING, AND RECEIVING WRITTEN APPROVAL OF, A TIRE REMOVAL AGREEMENT, OR HAVING ENTERED INTO A CONSENSUAL REMOVAL AGREEMENT.	<input type="checkbox"/>
12.	55(e)	CAUSE OR ALLOW THE DISPOSAL 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"/>
13.	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"/>
14.	55(g)	NO PERSON SHALL 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"/>
15.	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"/>
16.	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"/>
17.	55(j)	FAILURE TO COMPLY WITH THE TERMS OF A TIRE REMOVAL AGREEMENT.	<input type="checkbox"/>
18.	55(k)(1)	No person shall cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.	<input checked="" type="checkbox"/>
19.	55.4	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: a) <input type="checkbox"/> Minimizes the need for further maintenance b) <input type="checkbox"/> Removes all used and waste tires and any residues there from; and c) <input type="checkbox"/> Protects human health during the removal and post removal periods. Note: Also Mark a Violation of 848.502	<input type="checkbox"/>

PART 848: SUBPART B: MANAGEMENT STANDARDS

20.	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"/>
	(6)	NOT Abandon, Dump or Dispose of Any Used or Waste Tire on Private or Public Property in Illinois	<input checked="" type="checkbox"/>
	(7)	NOT Accept Any Used or Waste Tires from a Vehicle in Which More than 20 Tires Have Been Loaded Unless the Vehicle Displays a Tire Transporter Placard.	<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"/>

21.	848.202(c)	IN <u>ADDITION</u> 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 848.203	<input type="checkbox"/>
	(2)	Meet the Record keeping requirements of Part 848 Subpart C Note: Also Mark a Violation of Subpart C	<input type="checkbox"/>
	(3)	Maintain waste tire piles separated from grass, weeds, brush, over-hanging tree limbs, and similar vegetative growth by no less than 50 feet.	<input type="checkbox"/>
22.	848.202(d)	IN <u>ADDITION</u> 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 COMPLY WITH THE FOLLOWING:	
	(2)	The entrance shall be controlled at all times by an attendant, locked entrance, television monitors, controlled roadway access or other equivalent mechanisms.	<input type="checkbox"/>
23.	848.203	CONTINGENCY PLAN REQUIREMENTS FOR DISPOSAL SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of 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 provisions 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 emergency coordinator 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 AT TIRE DISPOSAL SITES			
24.	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"/>
25.	848.204(b)	<u>STORAGE OF LESS THAN 500 TIRES WITHIN A BUILDING ALLOWED IF:</u> (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"/>
26.	848.204(c)	IN <u>ADDITION</u> 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, but not be limited to, 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 of 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 Subpart C	<input type="checkbox"/>
27.	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			
28.	848.205	OWNERS OR OPERATORS OF TIRE DISPOSAL 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"/>
29.	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 Disposal Sites with 500 or more Used or Waste Tires			
30.	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"/>
31.	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"/>
32.	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"/>
33.	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 type="checkbox"/>
	(b)(1)	The weight or volume of tires received	<input type="checkbox"/>
	(b)(2)	The weight or volume of tires transported from the site	<input type="checkbox"/>
	(b)(4)	The weight or volume of used or waste tires combusted during the calendar year	<input type="checkbox"/>
34.	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input type="checkbox"/>
35.	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 disposed 50 or more used or waste tires, and which do not have written approval of a tire removal agreement, per 848.208			
36.	848.400(b)(1)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR AFTER 1/1/92, FAILURE TO COMPLY WITH SUBPART D PRIOR TO DISPOSING ANY USED OR WASTE TIRES Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>

37.	848.400(b)(2)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE DISPOSED 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"/>
38.	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"/>
39.	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"/>
40.	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL USED OR WASTE TIRES.	<input type="checkbox"/>
41.	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
PART 848: SUBPART E: TIRE REMOVAL AGREEMENTS			
42.	848.501(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED ON OR BEFORE 1/1/92, THE OWNER/OPERATOR SHALL OBTAIN BY 1/1/92 WRITTEN APPROVAL FROM THE AGENCY OF A TIRE REMOVAL AGREEMENT SUBMITTED PURSUANT TO THIS SUBPART.	<input type="checkbox"/>
43.	848.501(c)	FAILURE TO FIRST OBTAIN A LANDFILL PERMIT FROM THE AGENCY FOR TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92.	<input checked="" type="checkbox"/>
44.	848.502	FAILURE, BY THE OWNER OR OPERATOR OF A TIRE DISPOSAL SITE REQUIRED TO FILE AND RECEIVE APPROVAL OF A TIRE REMOVAL AGREEMENT, TO REMOVE USED OR WASTE TIRES FROM A TIRE DISPOSAL SITE IN A MANNER THAT: (a) <input type="checkbox"/> Minimizes the need for further maintenance (b) <input type="checkbox"/> Removes all used and waste tires and any residues there from; and (c) <input type="checkbox"/> Protects human health during the removal and post removal periods.	<input type="checkbox"/>
45.	848.506(a)	AT TIRE DISPOSAL SITES AT WHICH TIRES ARE FIRST DISPOSED AFTER 1/1/92, THE OWNER/OPERATOR SHALL SUBMIT A PROPOSED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER RECEIPT OF THE KNOWN FINAL VOLUME OF USED TIRES.	<input type="checkbox"/>
46.	848.506(b)	THE OWNER OPERATOR SHALL BEGIN REMOVAL OF USED AND WASTE TIRES IN ACCORDANCE WITH THE APPROVED TIRE REMOVAL AGREEMENT WITHIN 30 DAYS AFTER WRITTEN AGENCY APPROVAL, UNLESS THE TIRE REMOVAL AGREEMENT SPECIFIES OTHERWISE	<input type="checkbox"/>
PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS			
47.	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"/>
48.	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"/>
49.	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"/>
50.	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"/>

OTHER REQUIREMENTS

51.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
52.		APPARENT VIOLATION OF: <input type="checkbox"/> PCB; CASE NUMBER: <input type="checkbox"/> CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
53.	722.111	Hazardous Waste Determination	<input checked="" type="checkbox"/>
54.	808.121	Special Waste Determination	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

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 1, 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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

BOL#: 0250055007 – Clay County
Site Name: Barker-Lewis
Date of Inspection: August 30, 2012
Inspectors: Garrison Gross
County: Clay-City Limits

Subject: Tire Disposal Inspection at Barker-Lewis Site

General Remarks: A Tire Disposal Inspection was conducted on Thursday, August 30, 2012, at the Barker-Lewis site located at 305 South Main Street in Clay City. The inspection was conducted by Garrison Gross representing the Illinois EPA Bureau of Land. The inspection was performed as a follow-up to a previous inspection conducted on April 1, 2009. Weather conditions at the time of the inspection were clear skies, 75°F with a light breeze. Surface conditions were dry.

Inspection Findings: The inspection began at approximately 10:15 a.m. Evidence of open dumping and improper tire storage was observed from offsite (photo 001). It appeared that the business had been closed for some time. I continued the inspection by walking and photographing the site. The rear portion of the site was overgrown in vegetation. Waste tires were observed in similar locations as previously observed. Approximately 30 used / waste tires (including semi-truck, tractor and passenger tires) were observed outside (photos 003 and 006). Nine tires were off the rim and had accumulated water (photos 003-005). Organic matter and numerous mosquito larvae were observed in the tires (photo 004 and 007).

A box trailer was observed at the site which had previously been used to store used / waste tires. The door to the box trailer was now locked. A window was located on the passenger side of box trailer. I climbed up to the window and used a flashlight to look into the trailer. Tires were observed on wooden racks. I estimated that approximately 150 tires remained inside the trailer. A photograph could not be taken of the tires in the trailer.

Four ~30 gallon plastic bung type drums remained at the site (photo 005). The drums were being stored outside and none of them were labeled. The drums contained an unknown dark liquid substance which appeared to be used motor oil. None of the drums were completely full. It was estimated that they contained approximately 60 gallons of material. Five metal open top drums were also observed at the site (photo 002). These were not observed during previous inspections. The drums were labeled as HAA Soil. One of the drums contained liquid material. Additional waste items, including but not limited to: wiring, tubing, hoses, automotive parts, and buckets, were also observed (photo 008). The inspection ended at approximately 10:30 a.m.

Additional Remarks: According to information obtained from the Supervisor of Assessment's Office in Clay County, tax bills are mailed to Thomas E. Barker and John H. & Debra L. Barker, 200 West Market Street, McLeansboro, IL 62859. Their office refers to the site as parcel 12-19-210-001 also known as Lot 1, Block 7 of Wilson and Corcoran Addition. No additional information was found indicating that Mark A. Lewis is purchasing the property via contract for deed.

**0250055007 – Clay County
Barker-Lewis
August 30, 2012**

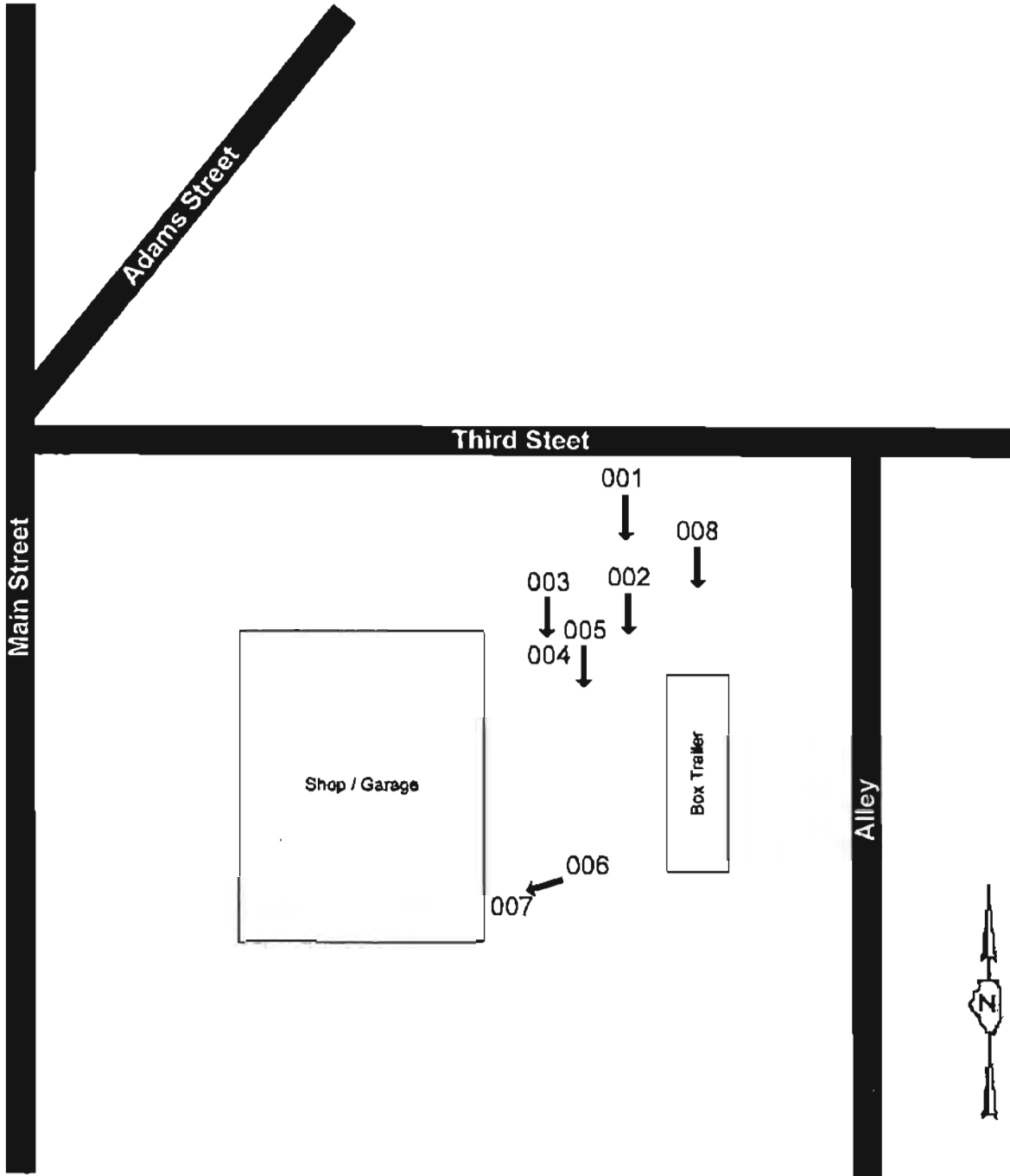
Summary of Apparent Violations:

21(a)	55(a)(1)	848.501(c)
21(d)(1)	55(a)(5)	812.101(a)
21(d)(2)	55(e)	722.111
21(e)	55(k)(1)	808.121
21(p)(1)	848.202(b)(2)	
21(p)(5)	848.202(b)(6)	



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

Date: August 30, 2012
BOL ID #: 0250055007 – Clay County
Site Name: Barker-Lewis
Inspector: Garrison Gross
Not Drawn to Scale: All Locations Are Approximate





DIGITAL PHOTOGRAPHS



Date: 08/30/2012
Time: 10:20 a.m.
Direction: south
Photo by: Garrison Gross
Exposure #: 001
Comments: photograph taken from offsite



Date: 08/30/2012
Time: 10:20 a.m.
Direction: south
Photo by: Garrison Gross
Exposure #: 002
Comments: drums stored at site

File Names: 0250055007~08302012-{001-008}.jpg



DIGITAL PHOTOGRAPHS



**Date: 08/30/2012
Time: 10:21 a.m.
Direction: south
Photo by: Garrison Gross
Exposure #: 003
Comments: used / waste
tires**



**Date: 08/30/2012
Time: 10:21 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 004
Comments: used / waste
tires accumulating water
and mosquito larvae**

File Names: 0250055007~08302012-[001-008].jpg



DIGITAL PHOTOGRAPHS



Date: 08/30/2012
Time: 10:22 a.m.
Direction: south
Photo by: Garrison Gross
Exposure #: 005
Comments: unlabeled drums containing what appeared to be waste oil



Date: 08/30/2012
Time: 10:22 a.m.
Direction: southwest
Photo by: Garrison Gross
Exposure #: 006
Comments: used / waste tires

File Names: 0250055007~08302012-{001-008}.jpg



DIGITAL PHOTOGRAPHS



Date: 08/30/2012
Time: 10:23 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 007
Comments: used / waste
tires accumulating water
and mosquito larvae



Date: 08/30/2012
Time: 10:26 a.m.
Direction:
Photo by: Garrison Gross
Exposure #: 008
Comments:

File Names: 0250055007~08302012-[001-008].jpg

PROOF OF SERVICE

I hereby certify that I did on the 5th day of October 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

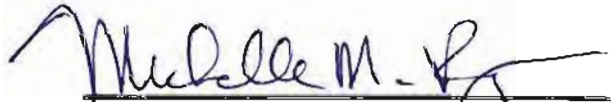
RECEIVED
CLERK'S OFFICE
OCT 11 2012
STATE OF ILLINOIS
Pollution Control Board

To: Thomas E. Barker
200 West Market Street
McLeansboro, IL 62859

John H. & Debra L. Barker
Rt. 1, Box 297 B
McLeansboro, IL 62859

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
by JCR

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