



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

(217) 782-9817

TDD: (217) 782-9143

AC 13-32

January 8, 2013

RECEIVED  
CLERK'S OFFICE

JAN 16 2013

STATE OF ILLINOIS  
Pollution Control Board

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

Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. Nico Development Group, Inc.  
IEPA File No.303-12-AC: 1610656096—Rock Island

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

JAN 16 2013

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

NICO DEVELOPMENT GROUP, INC,

Respondent.

AC 13 - 32

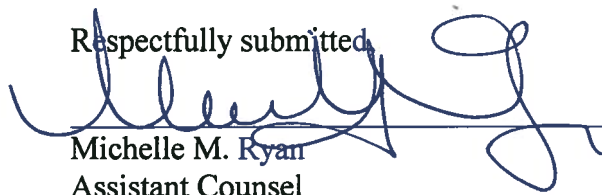
(IEPA No. 303-12-AC)

**NOTICE OF FILING**

To: Nico Development Group, Inc.  
c/o James H. Schultz, Registered Agent  
329 18<sup>th</sup> Street, Suite 400  
Rock Island, IL 61201

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  
Assistant Counsel

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

Dated: January 8, 2013

## ADMINISTRATIVE CITATION

**Respondent.**

(IEPA No. 303-12-AC)

STATE OF ILLINOIS  
Pollution Control Board

1. That Nico Development Group, Inc. is the current operator ("Respondent") of a facility located at 1024, 11<sup>th</sup> Street, Rock Island, Rock Island County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Nico Tire & Grocery.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1610656096.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on November 29, 2012 Gerald McGhee, of the Illinois Environmental Protection Agency's ("Illinois EPA") Peoria 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 1-8-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7010 2780 0002 1167 5614.

#### VIOLATIONS

Based upon direct observations made by Gerald McGhee during the course of his November 29, 2012 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1)(2010).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of One Thousand Five Hundred Dollars (\$1,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than February 15, 2013, unless otherwise provided by order of the Illinois Pollution Control Board.

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

violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondent fails to petition or 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: 1/2/13

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  
CLEANUP OFFICE  
JAN 16 2013  
STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC
	)	
v.	)	(IEPA No. 303-12-AC)
	)	
NICO DEVELOPMENT GROUP, INC.	)	
	)	
	)	
	)	
Respondent.	)	

FACILITY: Nico Tire & Grocery

SITE CODE NO.: 1610656096

COUNTY: Rock Island

CIVIL PENALTY: \$1,500.00

DATE OF INSPECTION: November 29, 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.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF

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IEPA DOCKET NO.

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RESPONDENT

)

Affiant, Gerald S. McGhee, 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, 2012, between 12:20 p.m. and 1:00 p.m., Affiant conducted an inspection of the tire retail facility in Rock Island County, Illinois, known as Nico Tire & Grocery, Illinois Environmental Protection Agency Site No.1610656096.

3. Affiant inspected said Nico Tire & Grocery tire retail facility by an on-site inspection, which included walking and photographing the site.

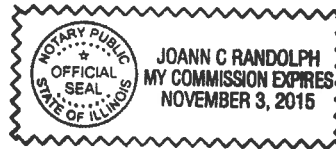
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Nico Tire & Grocery tire retail facility.



Gerald S. Miller

Subscribed and Sworn to before  
me this 6<sup>th</sup> day of December, 2012

Joann C. Randolph  
Notary Public



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Tire Storage Site Inspection Checklist

County: Rock Island LPC#: 1610656096 Region: 3 - Peoria

City/Facility Name: Rock Island / Nico Tire & Grocery

Facility Location: 1024 11<sup>th</sup> Street, Rock Island, IL 61201 Telephone: 309-788-4317

Date: 11/29/2012 Time: From 12:20pm To 1:00pm Previous Inspection Date: 08/17/2011

Inspector(s): Jeb McGhee No. of Photos Taken: # 34

Weather: 50° F Sunny No. of Samples Taken:

Interviewed: Cesar Casco Complaint #: 2012-097-P

Waste Tire Hauler Used: Bell's Hauling & Recycling and Nico Tire Hauler Registration Number: T7599 T7670

Responsible Party Mailing Address(es): Nico Tire & Grocery  
Attn: Alvaro Quintana  
Attn: Nicolasa Casco  
1213 7<sup>th</sup> Avenue  
Rock Island, IL 61201

Nico Development Group, Inc.  
c/o James H. Schultz  
329 18<sup>th</sup> Street Suite 400  
Rock Island, IL 61201

7200

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

SECTION	DESCRIPTION	Viol
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>		
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(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	<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 \$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 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"/>
<b>PART 848, SUBPART B: MANAGEMENT STANDARDS</b>			
15	848.202(b)	AT SITES AT WHICH <b>MORE THAN 50</b> USED OR WASTE TIRES ARE LOCATED THE OWNER OR OPERATOR SHALL:	
	(1)	<b>NOT</b> 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 checked="" type="checkbox"/>
	(2)	<b>NOT</b> 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)	<b>NOT</b> 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)	<b>NOT</b> 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 type="checkbox"/>
	(7)	<b>NOT</b> 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)	<b>NOT</b> 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 <b>MORE THAN 500</b> 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)	<b>NOT</b> 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)	<b>NOT</b> 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)	<b>NOT</b> 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)	<b>IN ADDITION TO THE REQUIREMENTS SET FORTH IN 848.202 (b) AND (c), THE OWNER OR OPERATOR AT SITES AT WHICH <b>MORE THAN 10,000</b> USED OR WASTE TIRES ARE LOCATED SHALL:</b>	
	(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	<b>CONTINGENCY PLAN REQUIREMENTS FOR STORAGE SITES WITH <b>MORE THAN 500</b> TIRES</b>	
	(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 checked="" 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"/>
<b>STORAGE OF USED AND WASTE TIRES WITHIN BUILDINGS</b>			
19	848.204(a)	<b>FAILURE TO MEET THE REQUIREMENTS OF SECTION 848.204</b> Note: Also Mark a Violation of 848.204(b), (c), or (d)	<input checked="" type="checkbox"/>
20	848.204(b)	<b><u>STORAGE OF LESS THAN 500</u> TIRES WITHIN A BUILDING ALLOWED IF:</b> (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)	<b>IN ADDITION TO THE REQUIREMENTS SET FORTH IN SECTION 848.204(b), THE OWNER OPERATOR OF A SITE WITH <b>500 OR MORE</b> USED OR WASTE TIRES STORED WITHIN BUILDINGS SHALL:</b>	<input checked="" type="checkbox"/>

	(1)	<p>FAILURE TO INCREASE THE TOTAL AMOUNT OF FINANCIAL ASSURANCE SO AS TO EQUAL THE CURRENT COST ESTIMATE WITHIN 70 DAYS of filing to be used in the type of building to be used for the tire storage site.</p> <p>(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</p> <p>(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.</p>	<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 <b>MORE THAN 10,000</b> 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"/>
<b>PESTICIDE TREATMENT</b>			
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)	<p>Maintain a record of pesticide use at the site which shall include for each application:</p> <p>(1) <input type="checkbox"/> Date of Pesticide Application</p> <p>(2) <input type="checkbox"/> Number of Used or Waste Tires Treated</p> <p>(3) <input type="checkbox"/> Amount of Pesticide Applied</p> <p>(4) <input type="checkbox"/> Type of Pesticide Used</p>	<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"/>
<b>PART 848: SUBPART C: RECORD KEEPING AND REPORTING</b> Note: Applies to Storage Sites with <b>More than 500</b> Used or Waste Tires			
25	848.302(a)	<p>The owner/operator shall keep on site a:</p> <p>(1) <input checked="" type="checkbox"/> Daily Tire Record</p> <p>(2) <input checked="" type="checkbox"/> Annual Tire Summary</p>	<input checked="" type="checkbox"/>
26	848.303(a)	<p>FAILURE TO MAINTAIN A DAILY TIRE RECORD THAT INCLUDES:</p> <p><input type="checkbox"/> Day of the Week</p> <p><input type="checkbox"/> Date</p> <p><input type="checkbox"/> Agency Site Number</p> <p><input type="checkbox"/> Site Name and Address</p>	<input type="checkbox"/>
27	848.303(b)	<p>FAILURE TO RECORD IN THE DAILY TIRE RECORD THE FOLLOWING INFORMATION</p> <p>(1) <input type="checkbox"/> Weight or volume of used or waste tires received at the site during the operating day</p> <p>(2) <input type="checkbox"/> Weight or volume of used or waste tires transported from the site and the destination of the tires so transported.</p> <p>(3) <input type="checkbox"/> Total number of used or waste tires remaining in storage at the conclusion of the day.</p> <p>(4) <input type="checkbox"/> Weight or volume of used or waste tires burned or combusted during the day.</p>	<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 checked="" type="checkbox"/>
30	848.305	FAILURE TO RETAIN REQUIRED RECORDS ON SITE FOR 3 YEARS	<input checked="" type="checkbox"/>
<b>PART 848: SUBPART D: FINANCIAL ASSURANCE</b> NOTE: Applies to Sites which have Stored 5000 or More Used or Waste Tires			
31	848.400(b)(1)	<b>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</b> Note: Also Mark a Violation of 848.401 or 848.404	<input checked="" type="checkbox"/>
32	848.400(b)(2)	<b>AT TIRE STORAGE SITES AT WHICH TIRES ARE STORED PRIOR TO 1/1/92, FAILURE TO COMPLY WITH SUBPART D BY 1/1/92.</b> 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 checked="" 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"/>
<b>PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS</b>			
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"/>
<b>THE FOLLOWING VIOLATIONS MAY BE CITED WHEN WASTES, INCLUDING TIRES, HAVE BEEN <u>DISPOSED</u> AT A TIRE STORAGE SITE</b>			
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"/>

43	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
44	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
45	21(a)	CAUSE OR ALLOW OPEN DUMPING <input type="checkbox"/> USED TIRES <input type="checkbox"/> OTHER WASTE	<input type="checkbox"/>
46	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 type="checkbox"/>
47	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 type="checkbox"/>
48	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING	
	(1)	Litter	<input type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
49	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input 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 type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
50.		APPARENT VIOLATION OF: <input type="checkbox"/> PCB CASE NUMBER: <input type="checkbox"/> CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
51.	55(k)(1)	No Person Shall Cause or Allow Water to Accumulate in Used or Waste Tires	<input checked="" type="checkbox"/>

Informational Notes:

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

### NARRATIVE

On November 29, 2012, I conducted a Tire Storage Inspection from 12:20 p.m. until 1:00 p.m. at Nico Tire & Grocery located at 1024 11<sup>th</sup> Street in Rock Island, Illinois. The facility is owned Nicolasa Casco and Alvaro Quintana. It is operated by Nico Development Group, Inc. The inspection was conducted in response to Citizen Compliant C-2012-097-P alleging that the facility was storing used tires outside in rain storms allowing them to accumulate water.

I interviewed Cesar Casco. The facility sells only used tires at retail. The Used and/or Waste Tire Activity Notification Form has been submitted. The required written notice under 55.8(a)(3) was posted. Nico Tire & Grocery is selling approximately 750 used tires per quarter. The Illinois Tire User Fee of \$2.50 per tire is being charged properly. The Fee is being submitted to the Illinois Department of Revenue as required. Mr. Casco also produced receipts dated November 26, 2012 for disposal of about 300 used tires from the site by Bell's Hauling & Recycling (T7599) and Nico Tire (T7670) to Bell's Hauling & Recycling.

I observed about 1150 used tires stored outside that are not prevented from accumulating water. See photographs 1, 2, 6, 9, 17, 27, 28, 31, 32, 33, and 34. I observed water in many used tires stored outside like the ones seen in photographs 4, 5, 6, and 19.

I observed approximately 1000 used tires stored outside at the facility under a covered shelter with an open front and tarps rolled up. Used tires are stacked in front of the shelter and not prevented from accumulating water. See photographs 1, 2, 5, and 6.

I observed about 200 used tires outside under a tent as seen in photographs 18, 20, and 34.

I observed about 1500 used tires stored inside five transport trailers. See photographs 16, 21, 22, 23, 24, 25, and 26.

I observed about 1500 used tires stored outside underneath five transport trailers. See photographs 21, 27, and 33. Used tires outside on the ground are not prevented from accumulating water.

I observed a registered transport vehicle containing about 200 waste tires. It is placarded to Nico Tire (T7670). The placard is missing the letter ®.

I observed about 125 used tires for disposal stored inside a registered transport trailer as seen in photographs 10 and 11. They are prevented from accumulating water. I observed about 100 used tires on the ground underneath the disposal trailer. Some of the used tires are allowed to accumulate water.

I observed about 1375 used tires stored inside of buildings/structures located at the facility. See photographs 8, 10, 11, 12, 13, 14, and 15.

I also observed about 125 used tires stored between two buildings as seen in photograph 14.



The following 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: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator failed to submit the required annual fee.**

2. Pursuant to Section 55(a)(4) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(4)), 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) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(a)(4)) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator are operating a tire storage site that does not comply with Board Regulations.**

3. Pursuant to Section 55(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(c)), no person shall fail to file the required notification with the Agency by 1/1/90 or within 30 days of commencement of the storage activity.

A violation of Section 55(c) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(c)) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator failed to file the required notification with the Agency.**

4. Pursuant to Section 55(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(d)(1)), no person shall cause or allow the operation of a tire storage site which contains more than 50 used tires without meeting the requirements of this Section by January 1 of each year.

A violation of Section 55(d)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(d)(1)) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator failed to meet the requirements of this Section.**

5. Pursuant to Section 55(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(e)), 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 {Illinois} Environmental Protection Act (415 ILCS 5/55(e)) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as**

**owners and Nico Development Group, Inc. as operator are storing used or waste tires in violation of regulation adopted by the Board.**

6. Pursuant to Section 55.6(b) of the {Illinois} Environmental Protection Act (415 ILCS 5/55.6(b)), no person shall failure of the owner or operator of a tire storage site to pay to the Agency an annual fee of \$100.00.

A violation of Section 55.6(b) of the {Illinois} Environmental Protection Act (415 ILCS 5/55.6(b)) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator failed to pay the annual \$100.00 fee.**

7. Pursuant to 35 Ill. Adm. Code 848.202(b)(1), used or waste tires in piles shall be separated from all other piles by 25 feet and aisle space is maintained to allow unobstructed movement of personnel and equipment.

A violation of 35 Ill. Adm. Code 848.202(b)(1) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator are not separating piles of tires from other piles of tires by 25 feet nor maintaining aisle space free of obstructions.**

8. Pursuant to 35 Ill. Adm. Code 848.202(b)(2), accumulations of used or waste tires located outside of any building shall be separated from all buildings, whether on or off site, by 25 feet.

A violation of 35 Ill. Adm. Code 848.202(b)(2) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator are not separating accumulations of used or waste tires 25 feet from buildings on or off site.**

9. Pursuant to 35 Ill. Adm. Code 848.202(c)(1), in addition to the requirements set forth in Section 848.202(b), the owner or operator of a site at which more than 500 used or waste tires are located shall maintain a contingency plan which meets the requirements of Section 848.203.

A violation of 35 Ill. Adm. Code 848.202(c)(1) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator do not maintain a contingency plan which meets the requirements of Section 848.203.**

10. Pursuant to 35 Ill. Adm. Code 848.202(c)(2), in addition to the requirements set forth in Section 848.202(b), the owner or operator of a site at which more than 500 used or waste tires are located shall meet the record keeping and reporting requirements of Part 848 Subpart C.

A violation of 35 Ill. Adm. Code 848.202(c)(2) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator do not meet the record keeping and reporting requirements of Part 848 Subpart C.**

11. Pursuant to 35 Ill. Adm. Code 848.203(a), the owner/operator must meet the contingency plan requirements for storage sites with more than 500 tires.

A violation of 35 Ill. Adm. Code 848.203(a) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator do not have a contingency plan and do not meet the contingency plan requirements of Section 848.203.**

12. Pursuant to 35 Ill. Adm. Code 848.204(a), the owner or operator of a tire storage or tire disposal site who store used or waste tires within buildings shall meet the requirements of this Section.

A violation of 35 Ill. Adm. Code 848.204(a) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator are storing used or waste tires within a building that does not meet the requirements of this Section.**

13. Pursuant to 35 Ill. Adm. Code 848.204(c), in addition to the requirements set forth in subsection [848.204](b), if 500 or more used or waste tires are stored within a building, then the owner or operator shall:

- 1) develop a tire storage plan in consultation with the local fire department or the state fire marshal meeting the following requirements:
  - A) the plan shall be developed by considering the type of building to be used for tire storage, i.e. warehouse or grain elevator, and the type of used or waste tires being stored, i.e. whole or shredded;
  - B) the plan shall include, but not be limited to: the tire storage arrangement; aisle space if necessary; clearance distances between tire piles and the building ceiling, unit heaters, duct furnaces and sprinkler deflectors; and access to fire fighting personnel and equipment; and
  - C) a copy of the tire storage plan shall be filed with the Agency within 60 days of the effective date of this Part and the plan requirements shall be implemented within 14 days of filing the tire storage plan with the Agency;

- 2) have and maintain a contingency plan which meets the requirements of Section 848.203; and
- 3) meet the record keeping and reporting requirements of [35 Ill. Adm. Code 848] Subsection C.

A violation of 35 Ill. Adm. Code 848.204(c) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator have not developed a tire storage plan, maintained a contingency plan or met the record keeping and reporting requirements.**

14. Pursuant to 35 Ill. Adm. Code 848.302(a), the owner or operator of a tire storage site that stores over 500 used or waste tires shall keep on site a daily tire record and an annual tire summary.

A violation of 35 Ill. Adm. Code 848.302(a) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator do not have on site a daily tire record or annual tire summary.**

15. Pursuant to 35 Ill. Adm. Code 848.304(c), the annual tire summary shall be submitted to the Agency by January 31 of each year.

A violation of 35 Ill. Adm. Code 848.304(c) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator failed to submit an annual tire summary by January 31 of the year 2012.**

16. Pursuant to 35 Ill. Adm. Code 848.305, copies of required records shall be maintained on the site for 3 years.

A violation of 35 Ill. Adm. Code 848.305 is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator do not maintain copies of required records for 3 years.**

17. Pursuant to 35 Ill. Adm. Code 848.400(b)(1), unless exempted by subsection [848.400](c), owners and operators shall comply with this [35 Ill. Adm. Code 848] Subpart [D]:

- 1) Prior to storing or disposing any used or waste tires, for sites where used or a waste tires are first stored or disposed on or after January 1, 1992;

A violation of 35 Ill. Adm. Code 848.400(b)(1) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator did not comply with [35 Ill. Adm. Code 848] Subpart [D].**

18. Pursuant to 35 Ill. Adm. Code 848.401(a), the owner or operator shall maintain financial assurance equal to or greater than the cost estimate calculated pursuant to Section 848.404 at all times, except as otherwise provided by subsection [848.401] (b).

A violation of 35 Ill. Adm. Code 848.401(a) is alleged for the following reason: **Nicolasa Casco and Quintana Alvaro as owners and Nico Development Group, Inc. as operator are not maintaining financial assurance.**

19. Pursuant to Section 55(k)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(k)(1)), no person shall cause or allow water to accumulate in used or waste tires.

*The prohibitions specified in this subsection (k) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act.*

A violation of Section 55(k)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/55(k)(1)) is alleged for the following reason: **Nicolasa Casco and Alvaro Quintana as owners and Nico Development Group, Inc. as operator allowed used or waste tires to accumulate water.**

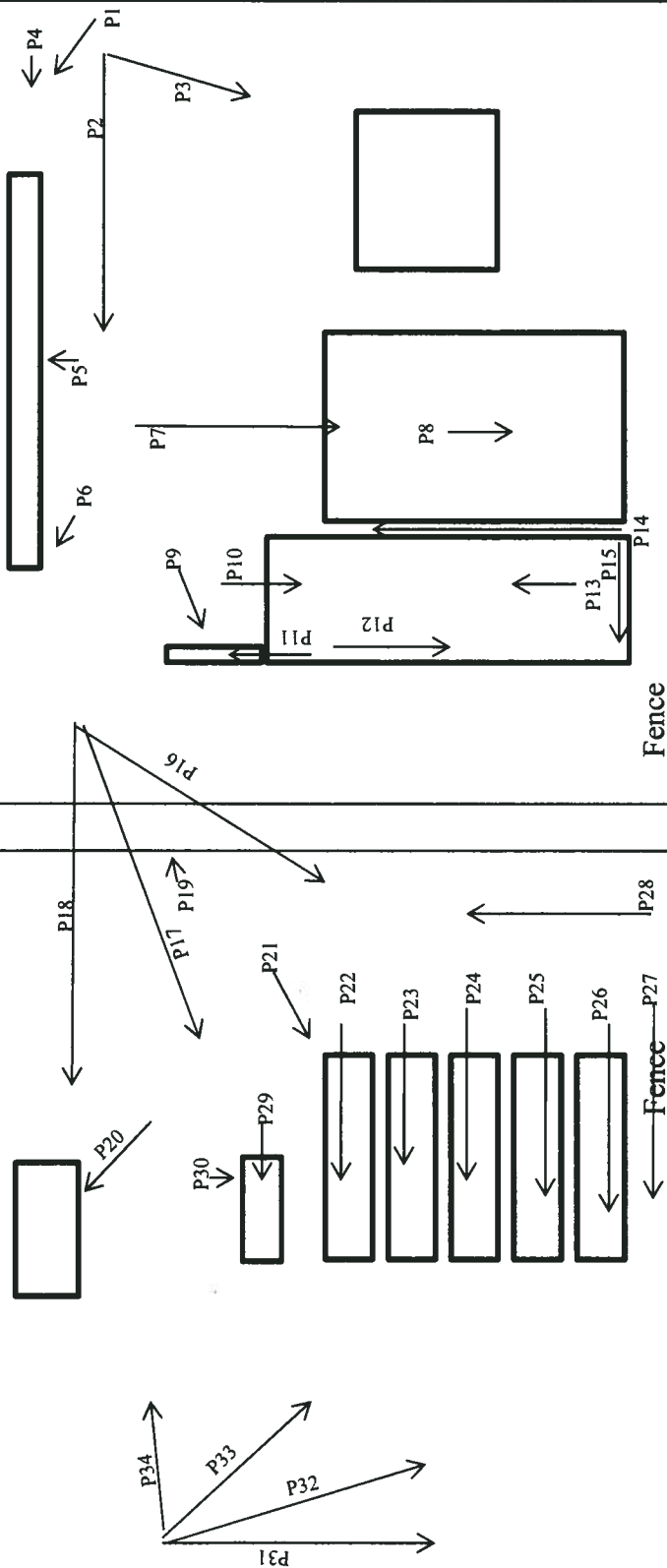
# State of Illinois Environmental Protection Agency Site Sketch

N  
←

Inspector: Jeb McGhee  
 Date of Inspection: November 29, 2012  
 Site Name: Nico Tire & Grocery

LPC #: 1610656096  
 County: Rock Island  
 Time: 12:20 p.m. – 1:00 p.m..

11<sup>th</sup> Street



10<sup>th</sup> Avenue

11<sup>th</sup> Avenue

Alley

Fence

Fence

Not to Scale





**DATE:** November 29, 2012

**TIME:** 12:25 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the northeast

**PHOTOGRAPH NUMBER:** 1

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-001.jpg

**COMMENTS:** Used tires stored  
outside and not prevented from  
accumulating water.



**DATE:** November 29, 2012

**TIME:** 12:25 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the north

**PHOTOGRAPH NUMBER:** 2

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-002.jpg

**COMMENTS:** Used tires stored  
under and close to a partial  
structures that have not prevented  
used tires from accumulating water.

Also there are used tires stored  
outside that are not prevented from  
accumulating water.







**DATE:** November 29, 2012

**TIME:** 12:25 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the northwest

**PHOTOGRAPH NUMBER:** 3

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-003.jpg

**COMMENTS:** Nico Tire &  
Grocery.



**DATE:** November 29, 2012

**TIME:** 12:37 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the north

**PHOTOGRAPH NUMBER:** 4

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-004.jpg

**COMMENTS:** One of many used  
tires observed holding water. Some  
have organic material like this one.



**DOCUMENT FILE NAME:**  
1610656096~11292012.doc





**DATE:** November 29, 2012

**TIME:** 12:37 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the northeast

**PHOTOGRAPH NUMBER:** 5

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-005.jpg

**COMMENTS:**



**DATE:** November 29, 2012

**TIME:** 12:38 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the north northeast

**PHOTOGRAPH NUMBER:** 6

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-006.jpg

**COMMENTS:** I observed Cesar Casco pulling used tires out of their storage spot as I arrived. Many of the tires were full of water and ice that is not present on the ground.



**DOCUMENT FILE NAME:**  
1610656096~11292012.doc





**DATE:** November 29, 2012

**TIME:** 12:39 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the west

**PHOTOGRAPH NUMBER:** 7

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-007.jpg

**COMMENTS:** Used tires stored  
outside and not prevented from  
accumulating water.



**DATE:** November 29, 2012

**TIME:** 12:39 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the west

**PHOTOGRAPH NUMBER:** 8

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-008.jpg

**COMMENTS:** Used tires stored  
under the structure observed in  
photograph 7.







**DATE:** November 29, 2012

**TIME:** 12:40 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the northwest

**PHOTOGRAPH NUMBER:** 9

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-009.jpg

**COMMENTS:** Used tires stored  
outside and under a partial structure  
that does not prevent them from  
accumulating water.



**DATE:** November 29, 2012

**TIME:** 12:40 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the west

**PHOTOGRAPH NUMBER:** 10

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-010.jpg

**COMMENTS:** Used tires stored  
under cover.







**DATE:** November 29, 2012

**TIME:** 12:40 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the east

**PHOTOGRAPH NUMBER:** 11

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-011.jpg

**COMMENTS:** Used tires stored  
under cover. The tires in the  
sunlight are behind the ladders  
observed in photograph 9.



**DATE:** November 29, 2012

**TIME:** 12:41 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the west

**PHOTOGRAPH NUMBER:** 12

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-012.jpg

**COMMENTS:** Used tires stored  
under cover.



**DOCUMENT FILE NAME:**  
1610656096~11292012.doc





**DATE:** November 29, 2012

**TIME:** 12:41 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the east

**PHOTOGRAPH NUMBER:** 13

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-013.jpg

**COMMENTS:** Used tires stored  
inside a building.



**DATE:** November 29, 2012

**TIME:** 12:42 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the east

**PHOTOGRAPH NUMBER:** 14

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-014.jpg

**COMMENTS:** Used tires stored  
under a partial cover in between  
two storage structures.







**DATE:** November 29, 2012

**TIME:** 12:42 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the north

**PHOTOGRAPH NUMBER:** 15

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-015.jpg

**COMMENTS:** Used tires stored  
under cover behind a storage  
structure.



**DATE:** November 29, 2012

**TIME:** 12:42 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the west northwest

**PHOTOGRAPH NUMBER:** 16

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-016.jpg

**COMMENTS:** Five trailers with  
used tires inside and used tires  
outside that are not prevented from  
accumulating water.



**DOCUMENT FILE NAME:**  
1610656096~11292012.doc





**DATE:** November 29, 2012

**TIME:** 12:42 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the northwest

**PHOTOGRAPH NUMBER:** 17

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-017.jpg

**COMMENTS:** The box truck is a  
registered tire transport vehicle that  
is full. Used tires also stored  
outside that are not prevented from  
accumulating water.



**DATE:** November 29, 2012

**TIME:** 12:43 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the north

**PHOTOGRAPH NUMBER:** 18

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-018.jpg

**COMMENTS:** A partial structure  
with used tires under it and used  
tires outside in the lot that are not  
prevented from accumulating water.



**DOCUMENT FILE NAME:**  
1610656096~11292012.doc





**DATE:** November 29, 2012

**TIME:** 12:43 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the south

**PHOTOGRAPH NUMBER:** 19

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-019.jpg

**COMMENTS:** Many used tires  
outside hold water/ice and organic  
material.



**DATE:** November 29, 2012

**TIME:** 12:44 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the northeast

**PHOTOGRAPH NUMBER:** 20

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-020.jpg

**COMMENTS:** Used tires under a  
partially covered structure. The  
structure is covered for the purpose  
of preventing used tires from  
accumulating water.

See the used tire tied to the cover to  
hold it in place.



**DOCUMENT FILE NAME:**  
1610656096~11292012.doc





**DATE:** November 29, 2012

**TIME:** 12:44 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the northwest

**PHOTOGRAPH NUMBER:** 21

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-021.jpg

**COMMENTS:** Five trailer with  
used tires in them and under them.



**DATE:** November 29, 2012

**TIME:** 12:44 p.m.

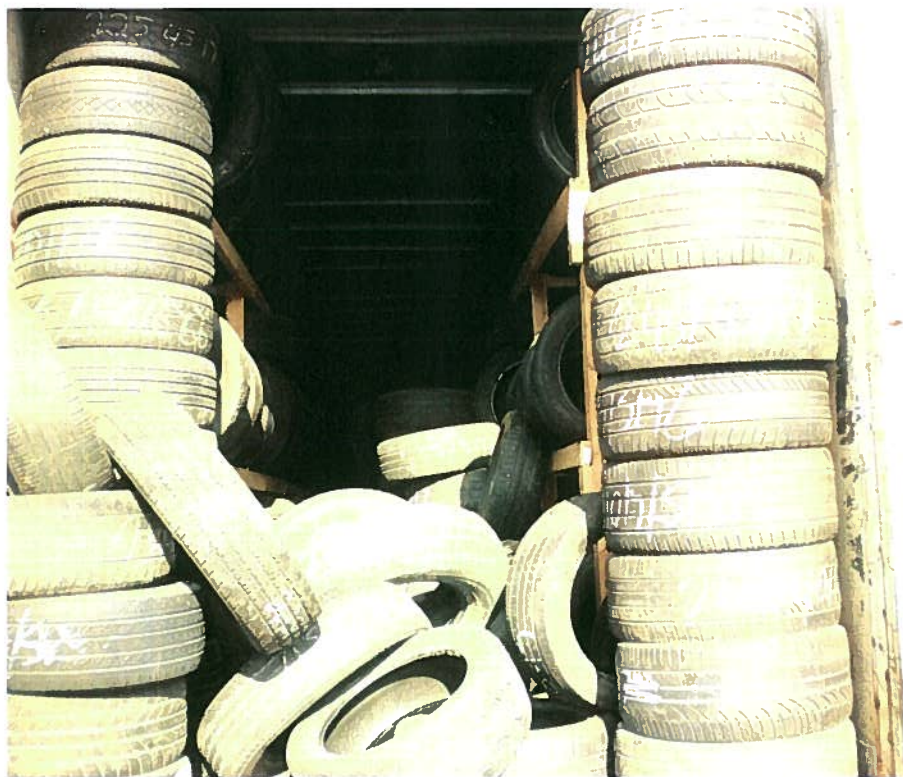
**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the north

**PHOTOGRAPH NUMBER:** 22

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-022.jpg

**COMMENTS:** Used tires stored  
inside and under this trailer.



**DOCUMENT FILE NAME:**  
1610656096~11292012.doc





**DATE:** November 29, 2012

**TIME:** 12:45 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the north

**PHOTOGRAPH NUMBER:** 23

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-023.jpg

**COMMENTS:** Used tires stored  
inside and under this trailer.



**DATE:** November 29, 2012

**TIME:** 12:45 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the north

**PHOTOGRAPH NUMBER:** 24

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-024.jpg

**COMMENTS:** Used tires stored  
inside and under this trailer.



**DOCUMENT FILE NAME:**  
1610656096~11292012.doc





**DATE:** November 29, 2012

**TIME:** 12:45 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the north

**PHOTOGRAPH NUMBER:** 25

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-025.jpg

**COMMENTS:** Used tires stored  
inside and under this trailer.



**DATE:** November 29, 2012

**TIME:** 12:45 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the north

**PHOTOGRAPH NUMBER:** 26

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-026.jpg

**COMMENTS:** Used tires stored  
inside and under this trailer.



**DOCUMENT FILE NAME:**  
1610656096~11292012.doc





**DATE:** November 29, 2012

**TIME:** 12:46 p.m.

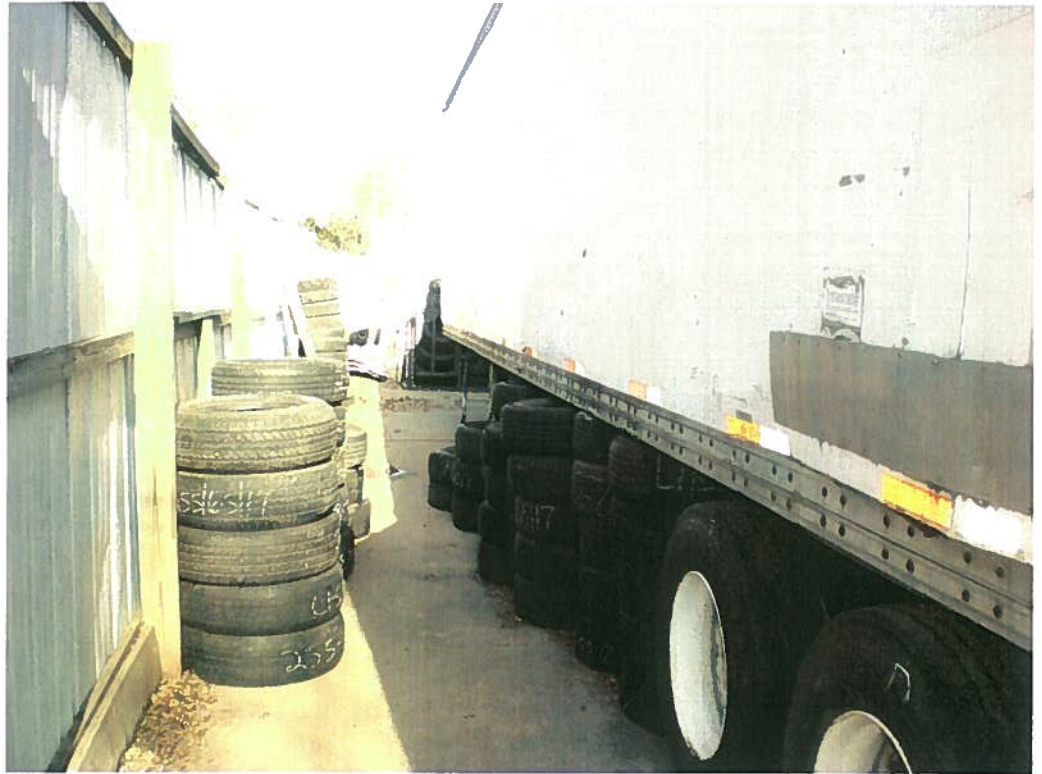
**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the north

**PHOTOGRAPH NUMBER:** 27

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-027.jpg

**COMMENTS:** Used tires under  
the trailer and outside along the  
back fence. They are not prevented  
from accumulating water.



**DATE:** November 29, 2012

**TIME:** 12:46 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the east

**PHOTOGRAPH NUMBER:** 28

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-028.jpg

**COMMENTS:** Used tires stored  
outside along the fence. They are  
not prevented from accumulating  
water.



**DOCUMENT FILE NAME:**  
1610656096~11292012.doc





**DATE:** November 29, 2012

**TIME:** 12:47 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the north

**PHOTOGRAPH NUMBER:** 29

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-029.jpg

**COMMENTS:** The registered tire  
transport vehicle is full of used  
tires.



**DATE:** November 29, 2012

**TIME:** 12:47 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the west

**PHOTOGRAPH NUMBER:** 30

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-030.jpg

**COMMENTS:**



**DOCUMENT FILE NAME:**  
1610656096~11292012.doc





**DATE:** November 29, 2012

**TIME:** 12:49 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the west northwest

**PHOTOGRAPH NUMBER:** 31

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-031.jpg

**COMMENTS:** Used tires stored  
outside and not prevented from  
accumulating water.



**DATE:** November 29, 2012

**TIME:** 12:49 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the west southwest

**PHOTOGRAPH NUMBER:** 32

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-032.jpg

**COMMENTS:** Used tires stored  
outside and not prevented from  
accumulating water. Some used  
tires stored under the structure.  
Used tires stacked along the fence  
between the structure and trailer.



**DOCUMENT FILE NAME:**  
1610656096~11292012.doc





**DATE:** November 29, 2012

**TIME:** 12:49 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the southwest

**PHOTOGRAPH NUMBER:** 33

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-033.jpg

**COMMENTS:** Used tires under  
each of the five trailers.



**DATE:** November 29, 2012

**TIME:** 12:49 p.m.

**PHOTOGRAPHED BY:**  
Jeb McGhee

**DIRECTION:** Photograph taken  
toward the southeast

**PHOTOGRAPH NUMBER:** 34

**PHOTOGRAPH FILE NAME:**  
1610656096~11292012-034.jpg

**COMMENTS:** A look back  
toward the other lot.



[WWW.CYBERDRIVEILLINOIS.COM](http://WWW.CYBERDRIVEILLINOIS.COM)**JESSE WHITE**  
SECRETARY OF STATE**CORPORATION FILE DETAIL REPORT**

<b>Entity Name</b>	NICO DEVELOPMENT GROUP, INC.	<b>File Number</b>	60437572
<b>Status</b>	ACTIVE		
<b>Entity Type</b>	CORPORATION	<b>Type of Corp</b>	DOMESTIC BCA
<b>Incorporation Date (Domestic)</b>	04/08/1999	<b>State</b>	ILLINOIS
<b>Agent Name</b>	JAMES H SCHULTZ	<b>Agent Change Date</b>	05/08/2001
<b>Agent Street Address</b>	329 18TH ST STE 400	<b>President Name &amp; Address</b>	NICOLASA O CASCO 1213 7TH AVE ROCK ISLAND 61201
<b>Agent City</b>	ROCK ISLAND	<b>Secretary Name &amp; Address</b>	NICOLASA O CASCO 1213 7TH AVE ROCK ISLAND 61201
<b>Agent Zip</b>	61201	<b>Duration Date</b>	PERPETUAL
<b>Annual Report Filing Date</b>	09/06/2012	<b>For Year</b>	2012

[Return to the Search Screen](#)**Purchase Certificate of Good Standing**

(One Certificate per Transaction)

[BACK TO CYBERDRIVEILLINOIS.COM HOME PAGE](#)



99-07793

RECORDED  
ROCK ISLAND COUNTY, ILL.

99 MAR 15 PM 1:50

RECORDED  
ROCK ISLAND COUNTY, ILL.  
99 MAR 15 PM 1:50

### WARRANTY DEED

THIS INDENTURE WITNESSETH That the Grantor, **STEVEN L. BOYLE**,  
a divorced person not since remarried, of the City of Rock  
Island, in the County of Rock Island and State of Illinois, for  
and in consideration of the sum of One Dollar and other good and  
valuable consideration in hand paid, CONVEYS and WARRANTS to

**NICOLASA Q. CASCO and ALVAVO QUINTANA**, sister and brother, as  
joint tenants and not as tenants in common

of the City of Moline , in the County of Rock Island and  
State of Illinois, the following described real estate, to-wit:

Lots Number Thirteen (13) and Fourteen (14), in Block Number Five  
(5) in that part of the City of Rock Island known as and called  
Bailey Davenport's Fourth Addition to said City, as shown by Plat  
Number Two of said addition, situated in the County of Rock  
Island, in the State of Illinois,

hereby releasing and waiving all rights under and by virtue of  
the Homestead Exemption Laws of the State of Illinois.

Dated this 24th day of February, A.D., 1999.

*Steven L. Boyle*  
Steven L. Boyle

ROCK ISLAND  
CO. ILL. 99

121447



3-15-99  
STATE OF ILLINOIS  
REAL ESTATE TRANSFER TAX

MAR 15 '99 DEPT. OF REVENUE 34.50

STATE OF ILLINOIS           )  
                                  ) SS.  
COUNTY OF ROCK ISLAND    )

99-07793

I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY, that **Steven L. Boyle, a divorced person not since remarried**, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 24th day of February, A.D., 1999.

Misty Rae Woods  
Notary Public



AFFIX TRANSFER TAX STAMP

"OR"

"Exempt under provisions of Paragraph \_\_\_\_, Section 4, Real Estate Tax Act.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Representative

MAIL TAX BILL TO:  
Nicolasa Casco  
1518 - 7th Avenue  
Moline, IL 61265

GRANTEE'S ADDRESS:  
1518 - 7th Avenue  
Moline, IL 61265

THIS INSTRUMENT PREPARED BY:  
Douglas R. Walker  
Attorney at Law  
423 - 17th Street  
Rock Island, IL 61201

RETURN TO:  
James Schultz  
Attorney at Law  
1830 - 2nd Avenue  
Rock Island, IL 61201

2010-15119

## AFFIX TRANSFER TAX STAMPS

"Exempt under the provisions of Paragraph \_\_\_\_\_, Sec. 4, Real Estate Transfer Act."

Date: \_\_\_\_\_, 2010

Michael J. Koury, Jr.  
Representative

PATRICIA "PAT" VERONDA  
ROCK ISLAND COUNTY RECORDER  
ROCK ISLAND, IL

RECORDED ON  
06/25/2010 02:29PM

REC FEE: 32.50  
RHSP FEE: 10.00

BOOK: 0  
PAGE: 0

PAGES: 2

WARRANTY DEED

Illinois Statutory Form

THE GRANTOR, Cyclone Development Company, an Iowa Limited Liability Company, of the County of Scott and State of Iowa, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid, CONVEY AND

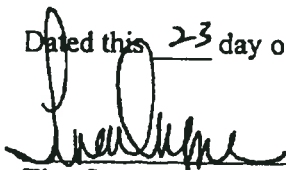
WARRANT TO ALVARO M. QUINTANA AND NICOLASA G. CASO, AS  
JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP AND AS TENANTS IN COMMON, of the CITY OF ROCK ISLAND, County of ROCK ISLAND  
and State of ILLINOIS, any and all interest they may have in the real estate described as follows, to wit:

Lot Three (3) in Block Number Five (5) in that part of the City of Rock Island known as and called Bailey Davenport's Fourth Addition to the City of Rock Island, as shown by Plat Number Two of said Addition

And

Lot Number One (1) and Two (2), in Block Number Five (5) in that part of the City of Rock Island known as and called Bailey Davenport's Fourth Addition to the City of Rock Island, as shown by Plat Number Two of said Addition.

Dated this 23 day of JUNE, 2010.



Tina Duque, Sole Member  
Cyclone Development Company

STATE OF IOWA )

) SS:

COUNTY OF SCOTT )

I, Michael J. Koury, Jr., the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Tina Duque is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered said

instrument as her free and voluntary act for the uses and purposes set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 13<sup>th</sup> day of June, 2010.



[Signature]  
Notary Public

## MAIL TAX BILLS TO:

Alvaro Quintana  
1027 11<sup>th</sup> Ave  
Rock Island, IL 61201

## THIS INSTRUMENT PREPARED BY:

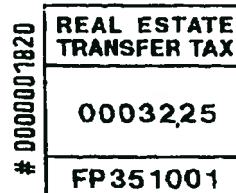
Michael J. Koury, Jr.  
Bush, Motto, Creen, Koury & Halligan, P.L.C.  
5505 Victoria Avenue, Suite 100  
Davenport, IA 52807

## GRANTEE ADDRESS:

Alvaro Quintana  
1027 11<sup>th</sup> Ave  
Rock Island, IL 61201

## RETURN TO:

James H. Schultz  
Attorney at Law  
329 18<sup>th</sup> Street, Suite 400  
Rock Island, Illinois 61201



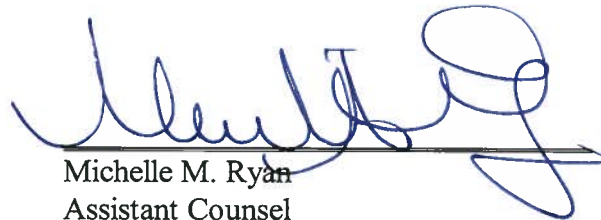
## PROOF OF SERVICE

I hereby certify that I did on the 8th day of January 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and TIRE STORAGE SITE INSPECTION CHECKLIST

To: Nico Development Group, Inc.  
c/o James H. Schultz, Registered Agent  
329 18<sup>th</sup> Street, Suite 400  
Rock Island, IL 61201

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

THIS FILING SUBMITTED ON RECYCLED PAPER