



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

January 8, 2013

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. Michael & Janet Mileham d/b/a Mike's Tire & Auto Service

IEPA File No.305-12-AC: 1938075002—White County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency 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

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JAN 11 2013
STATE OF ILLINOIS
Pollution Control Board

2013-30
ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
MICHAEL & JANET MILEHAM D/B/A MIKE'S)
TIRE & AUTO SERVICE,)
))
Respondents.)

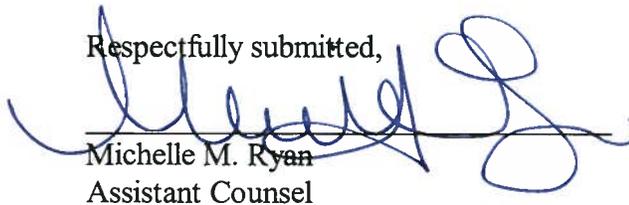
AC 13-30
(IEPA No. 305-12-AC)

NOTICE OF FILING

To: Michael & Janet Mileham
d/b/a Mike's Tire & Auto Service
P.O. Box 349
Norris City, IL 62869

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

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JAN 11 2013

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Complainant,)
)
 v.)
)
 MICHAEL & JANET MILEHAM D/B/A)
 MIKE'S TIRE & AUTO SERVICE,)
)
)
)
 Respondent.)

AC 13-30
 (IEPA No. 305-12-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 Michael & Janet Mileham d/b/a Mike's Tire & Auto Service is the current operator ("Respondent") of a facility located at 1402 South Division Street, Norris City, White County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Mike's Tire & Auto Service.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1938075002.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on November 27, 2012 Garrison Gross and Phillip Fatka, 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 1-8-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7010 2780 0002 1167 5669.

VIOLATIONS

Based upon direct observations made by Garrison Gross and Phillip Fatka during the course of the November 27, 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.

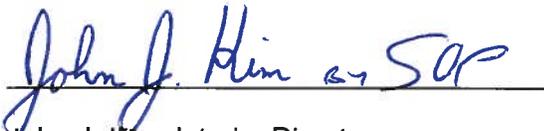
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board 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 *as SAC*

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

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
MICHAEL & JANET MILEHAM D/B/A)
MIKE'S TIRE & AUTO SERVICE,)
Respondent.)

AC 13-30
(IEPA No. 305-12-AC)

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STATE OF ILLINOIS
Pollution Control Board

FACILITY: Mike's Tire & Auto Service
SITE CODE NO.: 1938075002
COUNTY: White
CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: November 27, 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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STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

AC13-30

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 November 27, 2012, between 11:05 a.m. and 12:05 p.m., Affiant conducted an inspection of Mike's Tire & Auto Service in White County, Illinois, known as Mike's Tire & Auto Service by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1938075002 by the Agency.

3. Affiant inspected said Mike's Tire & Auto Service 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 Mike's Tire & Auto Service.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before
me this 29th day of November, 2012

Gail Stricklin
Notary Public



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JAN 11 2013

STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

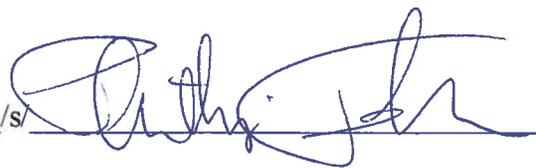
AC13-30

AFFIDAVIT

I, Phillip Fatka, 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 November 27, 2012, between 11:05 a.m. and 12:05 p.m., Affiant conducted an inspection of Mike's Tire & Auto Service in White County, Illinois, known as Mike's Tire & Auto Service by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1938075002 by the Agency.
3. Affiant inspected said Mike's Tire & Auto Service 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 Mike's Tire & Auto Service.

FURTHER AFFIANT SAYETH NOT.

/s/ 

Subscribed and Sworn to before
me this 29th day of November, 2012


Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Tire Storage Site Inspection Checklist

County: White LPC#: 1938075002 Region: 7- Marion
 Facility Name: Mike's Tire & Auto Service
 Facility Location: 1402 South Division Street, Norris City, Illinois Telephone: 618-378-2226
 Date: November 27, 2012 Time: From 11:05 a.m. To 12:05 p.m. Previous Inspection Date: January 18, 2012
 Inspector: Garrison Gross No. of Photos Taken: # 16
 Weather: clear skies, 39° F, light breeze No. of Samples Taken: N/A
 Interviewed: Michael Mileham Complaint #: N/A - routine
 Waste Tire Hauler Used: none Hauler Registration Number: N/A

Responsible Party Mailing Address(es):
 Operator: Michael & Janet Mileham
 Mike's Tire & Auto Service
 P.O. Box 349
 Norris City, Illinois 62869
 Property Owner: Crossroads Bible Church
 Attn: Chad Everett
 P.O. Box 300
 Norris City, Illinois 62869

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 Pollution Control Board

-255

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

SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1	21(k) FAIL OR REFUSE TO PAY ANY FEE IMPOSED UNDER THIS ACT	<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 OPEN 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 checked="" type="checkbox"/>
13	55.8(b)	A PERSON WHO ACCEPTS USED TIRES FOR RECYCLING UNDER 55.8(a) SHALL NOT ALLOW THE TIRES TO ACCUMULATE FOR PERIODS OF MORE THAN 90 DAYS	<input checked="" type="checkbox"/>
14	55.9	RETAILERS SHALL COLLECT THE FEE FROM PURCHASER BY ADDING THE FEE TO THE SELLING PRICE OF THE TIRE. THE FEE IMPOSED SHALL BE STATED AS A DISTINCT ITEM SEPARATE AND APART FROM THE SELLING PRICE	<input type="checkbox"/>
PART 848, SUBPART B: MANAGEMENT STANDARDS			
15	848.202(b)	AT SITES AT WHICH MORE THAN 50 USED OR WASTE TIRES ARE LOCATED THE OWNER OR OPERATOR SHALL:	
	(1)	NOT Place on or Accumulate Any Used or Waste Tire in Any Pile Outside of Any Building Unless the Pile is Separated from All Other Piles by 25 Feet and Aisle Space Is Maintained To Allow the Unobstructed Movement of Personnel and Equipment	<input type="checkbox"/>
	(2)	NOT Accumulate Any Used or Waste Tire in Any Area Located Outside of Any Building Unless the Accumulation is Separated from All Buildings, Whether on or off the Site, by 25 Feet	<input checked="" type="checkbox"/>
	(3)	NOT Place On or Accumulate Any Used or Waste Tire in Any Pile Which is Less than 250 Feet from any Potential Ignition Source, including Cutting and Welding Devices, and Open Fires unless all such activities are Carried Out Within A Building	<input type="checkbox"/>
	(4)	Drain Any Used or Waste Tire on the Day of Generation or Receipt	<input type="checkbox"/>
	(5)	NOT Store Any Used or Waste Tire for More Than 14 Days after Receipt Without Altering, Reprocessing, Converting, Covering or Otherwise Preventing the Tire from Accumulating Water	<input type="checkbox"/>
	(7)	NOT Accept Any Used or Waste Tire from a Vehicle in Which More than 20 Tires Are Loaded Unless the Vehicle Displays a Placard Issued by the Agency Under Part 848: Subpart F	<input type="checkbox"/>
	(8)	NOT Accumulate Any Tires in an Area with a Grade Exceeding 2% Without Meeting the Requirements of 848.202(d)(3)	<input type="checkbox"/>
16	848.202(c)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN 848.202 (b), THE OWNER OR OPERATOR OF A SITE AT WHICH MORE THAN 500 USED OR WASTE TIRES ARE LOCATED SHALL:	
	(1)	Maintain a Contingency Plan Which Meets the Requirements of Section 848.203	<input type="checkbox"/>
	(2)	Meet the Record Keeping and Reporting Requirements of Part 848: Subpart C Note: Also Mark a Violation of Subpart C	<input type="checkbox"/>
	(3)	NOT Place or Accumulate any Used or Waste Tire in Any Pile Less Than 50 Feet From Grass, Weeds, Brush, Over-hanging Tree Limbs and Similar Vegetative Growth	<input type="checkbox"/>
	(4)	NOT Place or Accumulate any Used or Waste Tire in Any Tire Storage Unit That is More Than 20 Feet High by	<input type="checkbox"/>

		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)	
	(5)	NOT Place or Accumulate any Used or Waste Tires in any Tire Storage Unit Unless they meet: (A) <input type="checkbox"/> Tires are separated by a Berm 1.5 times the height of the tire pile (B) <input type="checkbox"/> Separation Requirements of this part.	<input type="checkbox"/>
17	848.202(d)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN 848.202 (b) AND (c), THE OWNER OR OPERATOR AT SITES AT WHICH MORE THAN 10,000 USED OR WASTE TIRES ARE LOCATED SHALL:	
	(1)	Completely Surround the Site by Fencing in Good Repair Which Is Not less than 6 Feet in Height	<input type="checkbox"/>
	(2)	Maintain an Entrance to the Area Where Used or Waste Tires are Located, Which is Controlled At all Times by an Attendant, Locked Entrance, Television Monitors, Controlled Roadway Access or Other Equivalent Mechanism	<input type="checkbox"/>
	(3)	Completely Surround the Area Where Used or Waste Tires Are Stored by an Earthen Berm or Other Structures Not Less Than 2 Feet in Height Capable of Containing Runoff Resulting from Tire Fires, and Accessible by Fire Fighting Equipment, Except that the Owner or Operator Shall Provide a Means for Access through or Over the Berm or Other Structure	<input type="checkbox"/>
18	848.203	CONTINGENCY PLAN REQUIREMENTS FOR STORAGE SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of Section 848.203 Note: Also Mark a Violation of 848.203(b), (c), (d), (e), (f), (g), or (h)	<input type="checkbox"/>
	(b)	The contingency plan must be designed to minimize the hazard to human health and the environment from fires and run-off of contaminants resulting from fires and from disease spreading mosquitos and other nuisance organisms which may breed in water accumulations in used or waste tires.	<input type="checkbox"/>
	(c)	Immediately implement the contingency plan whenever there is a fire or run-off resulting from a tire fire, or whenever there is evidence of mosquito production.	<input type="checkbox"/>
	(d)	The contingency plan must describe the actions that must be taken in response to fires, run-off resulting from tire fires and mosquito breeding in used or waste tires.	<input type="checkbox"/>
	(e)	The contingency plan must include evacuation procedures for site personnel, including signals, evacuation routes and alternate evacuation routes as well as provisions for pesticide application.	<input type="checkbox"/>
	(f)	The contingency plan must be maintained at the site and submitted to state and local authorities.	<input type="checkbox"/>
	(g)	The contingency plan must be reviewed and amended within 30 days if the plan fails or the emergency coordinator changes.	<input type="checkbox"/>
	(h)	At all times, there must be one employee on site or on call with responsibility for coordinating emergency response procedures. The emergency coordinator must be familiar with the plan and all aspects of the site, and have the authority to commit the resources to carry out the plan.	<input type="checkbox"/>
STORAGE OF USED AND WASTE TIRES WITHIN BUILDINGS			
19	848.204(a)	FAILURE TO MEET THE REQUIREMENTS OF SECTION 848.204 Note: Also Mark a Violation of 848.204(b), (c), or (d)	<input type="checkbox"/>
20	848.204(b)	STORAGE OF LESS THAN 500 TIRES WITHIN A BUILDING ALLOWED IF: (1) <input type="checkbox"/> Tires Drained of All Water Prior to Placement in the Building (2) <input type="checkbox"/> All of the Buildings Windows and Doors Maintained in Working Order and Secured to Prevent Unauthorized Access. (3) <input type="checkbox"/> The Building Is Maintained So That it Is Fully Enclosed and Has a Roof and Sides Which Are Impermeable to Precipitation (4) <input type="checkbox"/> The Storage of Used or Waste Tires Is not in a Single Family Home or a Residential Dwelling	<input type="checkbox"/>
21	848.204(c)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN SECTION 848.204(b), THE OWNER OPERATOR OF A SITE WITH 500 OR MORE USED OR WASTE TIRES STORED WITHIN BUILDINGS SHALL:	

	(1)	Develop a tire storage plan in consultation with fire officials meeting the requirements of: 848.204 (c)(1) (A) <input type="checkbox"/> considering the type of building to be used for the tire storage (B) <input type="checkbox"/> the plan shall include tire storage arrangement; aisle space; clearance distances between tire piles and sprinkler deflectors; and access to fire fighting personnel and equipment (C) <input type="checkbox"/> a copy of the plan shall be filed with the Agency within 60 days and implemented within 14 days of filing with the Agency.	<input type="checkbox"/>
	(2)	Have and maintain a contingency plan which meets the requirements of Section 848.203	<input type="checkbox"/>
	(3)	Meet the record keeping and reporting requirements of Subpart C Note: Also Mark a Violation of Section 848, Subpart C	<input type="checkbox"/>
22	848.204(d)	A BUILDING THAT STORES MORE THAN 10,000 USED OR WASTE TIRES, AND WAS CONSTRUCTED AFTER 5/10/91, FOR THE PRIMARY PURPOSE OF STORING USED OR WASTE TIRES, SHALL COMPLY WITH THE NFPA 231D BUILDING STANDARD.	<input type="checkbox"/>
PESTICIDE TREATMENT			
23	848.205	OWNERS OR OPERATORS OF TIRE STORAGE SITES TREATING USED OR WASTE TIRES WITH PESTICIDES PURSUANT TO THIS PART OF TITLE XIV OF THE ACT (SHALL):	
	(a)	Use a Pesticide Labeled for Control of Mosquito Larvae Unless an Adult Mosquito Problem is Identified	<input type="checkbox"/>
	(b)	Maintain a record of pesticide use at the site which shall include for each application: (1) <input type="checkbox"/> Date of Pesticide Application (2) <input type="checkbox"/> Number of Used or Waste Tires Treated (3) <input type="checkbox"/> Amount of Pesticide Applied (4) <input type="checkbox"/> Type of Pesticide Used	<input type="checkbox"/>
	(c)	Notify the Agency of Pesticide Use Within 10 Days of Each Application. Notification shall include the information in 848.205(b).	<input type="checkbox"/>
24	848.205(d)	Persons Applying Pesticides to Used and Waste Tires Must Comply with the Requirements of the Illinois Pesticide Act (Ill. Rev. Stat. 1989, ch. 5, par. 801 et seq.)	<input type="checkbox"/>
PART 848: SUBPART C: RECORD KEEPING AND REPORTING Note: Applies to Storage Sites with More than 500 Used or Waste Tires			
25	848.302(a)	The owner/operator shall keep on site a: (1) <input type="checkbox"/> Daily Tire Record (2) <input type="checkbox"/> Annual Tire Summary	<input type="checkbox"/>
26	848.303(a)	FAILURE TO MAINTAIN A DAILY TIRE RECORD THAT INCLUDES: <input type="checkbox"/> Day of the Week <input type="checkbox"/> Date <input type="checkbox"/> Agency Site Number <input type="checkbox"/> Site Name and Address	<input type="checkbox"/>
27	848.303(b)	FAILURE TO RECORD IN THE DAILY TIRE RECORD THE FOLLOWING INFORMATION (1) <input type="checkbox"/> Weight or volume of used or waste tires received at the site during the operating day (2) <input type="checkbox"/> Weight or volume of used or waste tires transported from the site and the destination of the tires so transported. (3) <input type="checkbox"/> Total number of used or waste tires remaining in storage at the conclusion of the day. (4) <input type="checkbox"/> Weight or volume of used or waste tires burned or combusted during the day.	<input type="checkbox"/>
28	848.304	FAILURE TO MAINTAIN ON SITE AN ANNUAL TIRE SUMMARY FOR EACH CALENDAR YEAR THAT INCLUDES:	
	(a)	The site number, name and address and the calendar year for which the summary applies.	<input type="checkbox"/>
	(b)(1)	The weight or volume of used or waste tires received at the site during the calendar year.	<input type="checkbox"/>
	(b)(2)	The weight or volume of used or waste tires transported from the site during the calendar year.	<input type="checkbox"/>
	(b)(3)	The total number of used or waste tires determined in PTE remaining in storage at the conclusion of the calendar year	<input type="checkbox"/>

	(b)(4)	The weight or volume of used or waste tires combusted during the calendar year.	<input type="checkbox"/>
29	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input type="checkbox"/>
30	848.305	FAILURE TO RETAIN REQUIRED RECORDS ON SITE FOR 3 YEARS	<input type="checkbox"/>
PART 848: SUBPART D: FINANCIAL ASSURANCE NOTE: Applies to Sites which have Stored 5000 or More Used or Waste Tires			
31	848.400(b)(1)	AT TIRE STORAGE SITES AT WHICH TIRES ARE FIRST STORED ON OR AFTER 1/1/92, FAILURE TO COMPLY WITH SUBPART D PRIOR TO STORING ANY USED OR WASTE TIRES Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
32	848.400(b)(2)	AT TIRE STORAGE SITES AT WHICH TIRES ARE STORED PRIOR TO 1/1/92, FAILURE TO COMPLY WITH SUBPART D BY 1/1/92. Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
33	848.401(a)	FAILURE TO MAINTAIN FINANCIAL ASSURANCE EQUAL TO OR GREATER THAN THE CURRENT COST ESTIMATE CALCULATED PURSUANT TO SECTION 848.404 AT ALL TIMES, EXCEPT AS OTHERWISE PROVIDED BY 848.401 (b).	<input type="checkbox"/>
34	848.401(b)	FAILURE TO INCREASE THE TOTAL AMOUNT OF FINANCIAL ASSURANCE SO AS TO EQUAL THE CURRENT COST ESTIMATE WITHIN 90 DAYS AFTER ANY OF THE FOLLOWING: (1) <input type="checkbox"/> an increase in the current cost estimate (2) <input type="checkbox"/> a decrease in the value of a trust fund (3) <input type="checkbox"/> a determination by the Agency that an owner or operator no longer meets the financial test of Section 848.415 (4) <input type="checkbox"/> notification by the owner or operator that the owner or operator intends to substitute alternative financial assurance, as specified in Section 848.406 for self-insurance	<input type="checkbox"/>
35	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL TIRES.	<input type="checkbox"/>
36	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS			
37	848.601(a)	NO PERSON SHALL TRANSPORT MORE THAN 20 USED OR WASTE TIRES IN A VEHICLE UNLESS THE FOLLOWING REQUIREMENTS ARE MET: (1) <input type="checkbox"/> the owner or operator has registered the vehicle with the Agency in accordance with Subpart F, received approval of such registration from the Agency, and such registration is current, valid and in effect (2) <input type="checkbox"/> the owner or operator displays a placard on the vehicle, issued by the Agency following registration, in accordance with the requirements of Subpart F.	<input type="checkbox"/>
38	848.601(b)	NO PERSON SHALL PROVIDE, DELIVER OR TRANSPORT USED OR WASTE TIRES TO A TIRE TRANSPORTER FOR TRANSPORT UNLESS THE TRANSPORTER'S VEHICLE DISPLAYS A PLACARD ISSUED BY THE AGENCY UNDER SUBPART F IDENTIFYING THE TRANSPORTER AS A REGISTERED TIRE HAULER.	<input checked="" 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"/>

OTHER REQUIREMENTS			
41	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"/>
42	55(k)(2)	No person shall fail to collect a fee required under Section 55.8 of this Title.	<input type="checkbox"/>
43	55(k)(3)	No person shall fail to file a return required under Section 55.10 of this Title.	<input type="checkbox"/>
44	55(k)(4)	No person shall transport used or waste tires in violation of the registration and vehicle placarding requirements adopted by the Board.	<input type="checkbox"/>
45	722.111	Hazardous Waste Determination	<input type="checkbox"/>
46	808.121	Special Waste Determination	<input type="checkbox"/>
47	733.114	Failure to properly label universal waste batteries or containers as "Universal Waste Batteries"	<input checked="" type="checkbox"/>
48	733.114(d)(1)	Failure to properly label universal waste mercury containing equipment or containers	<input type="checkbox"/>
49	733.115	Failure to document the start date for collection of universal waste mercury containing equipment	<input type="checkbox"/>
50	739.122(c)	Failure to properly label used oil containers as "Used Oil"	<input checked="" type="checkbox"/>
51	12(b)	Operate any equipment or facility capable of causing or contributing to water pollution	<input type="checkbox"/>
52	309.102(a)	NPDES Permit Required	<input type="checkbox"/>
53	10(a)	Mercury Switch Removal Act; Failure to properly manage mercury switches from end-of-life vehicles	<input type="checkbox"/>
54	10(d)	Mercury Switch Removal Act; Failure to submit mercury switch annual report	<input type="checkbox"/>
55	21(a)	CAUSE OR ALLOW OPEN DUMPING <input type="checkbox"/> USED TIRES <input checked="" type="checkbox"/> OTHER WASTE	<input checked="" type="checkbox"/>
56	21(d)(2)	CONDUCT A WASTE STORAGE OPERATION IN VIOLATION OF ANY REGULATIONS OR STANDARDS ADOPTED BY THE BOARD UNDER THIS ACT. Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
57	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE AT A SITE WHICH DOES NOT MEET THE REQUIREMENTS OF THIS ACT AND REGULATIONS. Note: Also Mark appropriate Violations of Part 848	<input checked="" type="checkbox"/>
58	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING	<input type="checkbox"/>
	(1)	Litter (inner tubes and spillage of automotive fluids)	<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).



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

BOL#: 1938075002 – White County

Site Name: Mike's Tire & Auto Service

Date of Inspection: November 27, 2012

Inspector: Garrison Gross

Subject: Tire Storage Inspection at Mike's Tire & Auto Service

General Remarks: A Tire Storage Inspection was conducted on Tuesday, November 27, 2012 at Mike's Tire & Auto Service. The inspection was conducted by Garrison Gross and Phillip Fatka representing the Illinois EPA Bureau of Land. The facility is located at 1402 South Division Street, Norris City, Illinois. The inspection was performed as a routine inspection. Weather conditions at the time of the inspection were clear skies, 39° F, with a light. Surface conditions were dry.

Inspection Findings: The inspection began at approximately 11:05 a.m. We entered the business and spoke to Michael Mileham, business owner. We identified ourselves and explained the reason for the inspection. Mr. Mileham was busy with a customer so we continued the inspection by walking and photographing the used / waste tire storage areas. Mr. Mileham did not accompany us during the inspection. Approximately 25 resalable used tires were stored outside on a rack at the front entrance of one of the service bays (photo 001). Some of the tires had accumulated water and organic material (photo 002). Dead mosquito larvae were observed in the bottom of the tire and dead adult mosquitoes were floating on the surface of the water. Approximately 10 resalable used tires were stored in the service bay with other new tires.

Ten (10) unlabeled 55-gallon drums were stored along the southeast side of the building (photo 003). Mr. Mileham later told us that the drums contained calcium chloride used as weight in agricultural tires. Eight (8) used / waste tires were stored at the southwest corner of the building (photo 004). Some of the tires had accumulated water and organic material. Approximately 30 used / waste tires were observed at the southwest and northwest side of the building (photos 005, 006, 008 and 009). Numerous inner tubes were scattered around on the ground. Water had accumulated in some of the tires in this area (photo 007). Evidence of automotive fluid spillage was observed around a drum located at the northwest corner of the building (photo 010). The drum was not labeled.

Approximately 170 used resalable tires were stored inside a box trailer (photo 011). Two (2) used / waste tractor tires were stored outside near the entrance to the box trailer (photo 012). The tires had accumulated water and organic material (photo 013). Dead adult mosquitoes were floating on the surface of the water (photo 014).

We returned to the office. We asked to see tire disposal receipts and the most recent Illinois Department of Revenue ST-8 form. Mr. Mileham told us that he had not disposed of any tires through a registered tire transporter for several years. He said Calvin Booth (Auto Salvage of Illinois) had disposed of tires in the past. Mr. Mileham told us that it was common for farmers to come in and ask for waste tires. He said he didn't know what they were using them for and didn't ask. He told us that one individual was using them for road crossings for a bulldozer / trackhoe. He told us that the ST-8's were not kept at the business. He said he would have his wife fax me a copy of the document. The recycle notice was not posted as required. We provided a recycle notice for the business. We reviewed a copy of a recent sales receipt showing the collection of the tire user fee (photo 015). The sales receipt showed the fee as "user fee" and

**1938075002 – White County
Mike’s Tire & Auto Service
November 27, 2012**

it was shown as a separate line item as required. A disposal fee of \$2.50 was being charged for the waste tire. We informed Mr. Mileham that he should not be disposing of used tires by giving them away.

We inquired about the disposal of automotive fluids and batteries. Mr. Mileham told us that Crystal Clean stopped about every six weeks to pick up the used oil. We informed him that the used oil drums should be labeled. We explained that he should prevent used oil from being spilled on the ground. We provided him with two used oil labels. We reviewed a receipt from Crystal Clean dated February 17, 2012. Mr. Mileham stated that Interstate Batteries stopped by approximately every three weeks to pick up battery cores. Battery cores were stored inside the building (photo 016). We recommended that the batteries be stored on a pallet to identify damaged cores and detect spillage. We explained that the area should have a sign labeled as “universal waste batteries.”

We informed Mr. Mileham of our findings regarding the tires storage and told him that used / waste tires should not be allowed to accumulate water. He informed us that most of the tires that were outside were for customer pickup. We informed him that he was still responsible to keep them from accumulating water. Approximately 255 used / waste tires were observed at the site and more than 65 of them were being stored outside and not protected from accumulating water. Based on the number of tires at the site and the manner in which they were stored, the facility should be regulated as a tire storage facility. We informed Mr. Mileham that he would be receiving a letter from the Agency in the near future.

Additional Remarks: The third quarter 2012 ST-8 was received by facsimile on November 28, 2012. The ST-8 reported 94 tires sold from July through September. The ST-8 was destroyed after review. According to Agency records, the facility has not submitted a notification / registration form for tire storage activities.

Information concerning property ownership / control was obtained through tax records available from the Supervisor of Assessment’s Office in White County. Tax bills are mailed to Crossroads Bible Church, P.O. Box 300, Norris City, Illinois 62869. The property is referred to as parcel number 17-28-377-009. This inspector telephoned Mr. Mileham on November 28, 2012; he confirmed that he did not own the property.

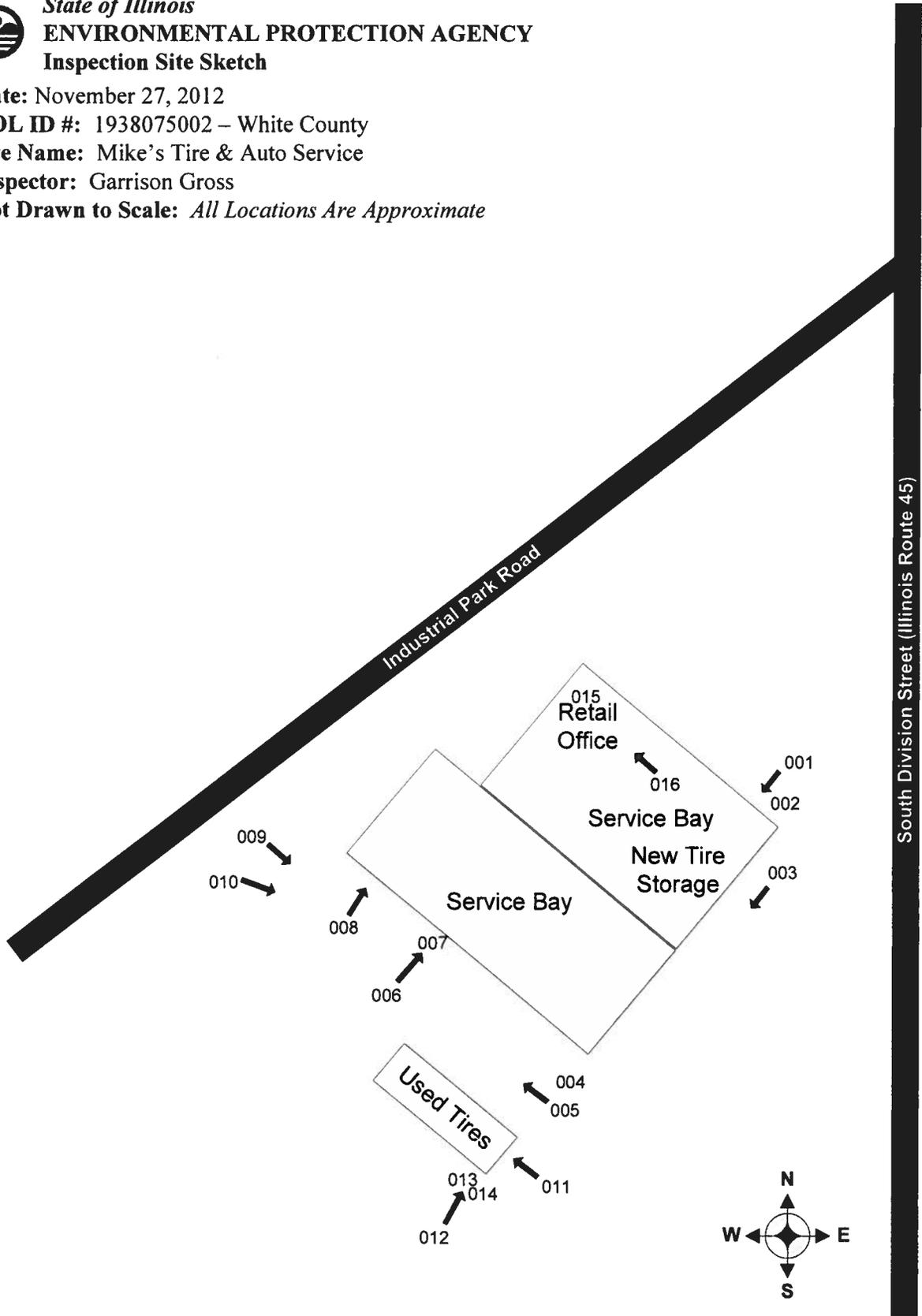
Summary of Apparent Violations:

21(k)	55.8(a)(3)	739.122(c)
55(a)(4)	55.8(b)	21(a)
55(c)	848.202(b)(2)	21(d)(2)
55(d)(1)	848.601(b)	21(e)
55(e)	55(k)(1)	21(p)(1)
55.6(b)	733.114	



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

Date: November 27, 2012
BOL ID #: 1938075002 – White County
Site Name: Mike's Tire & Auto Service
Inspector: Garrison Gross
Not Drawn to Scale: *All Locations Are Approximate*

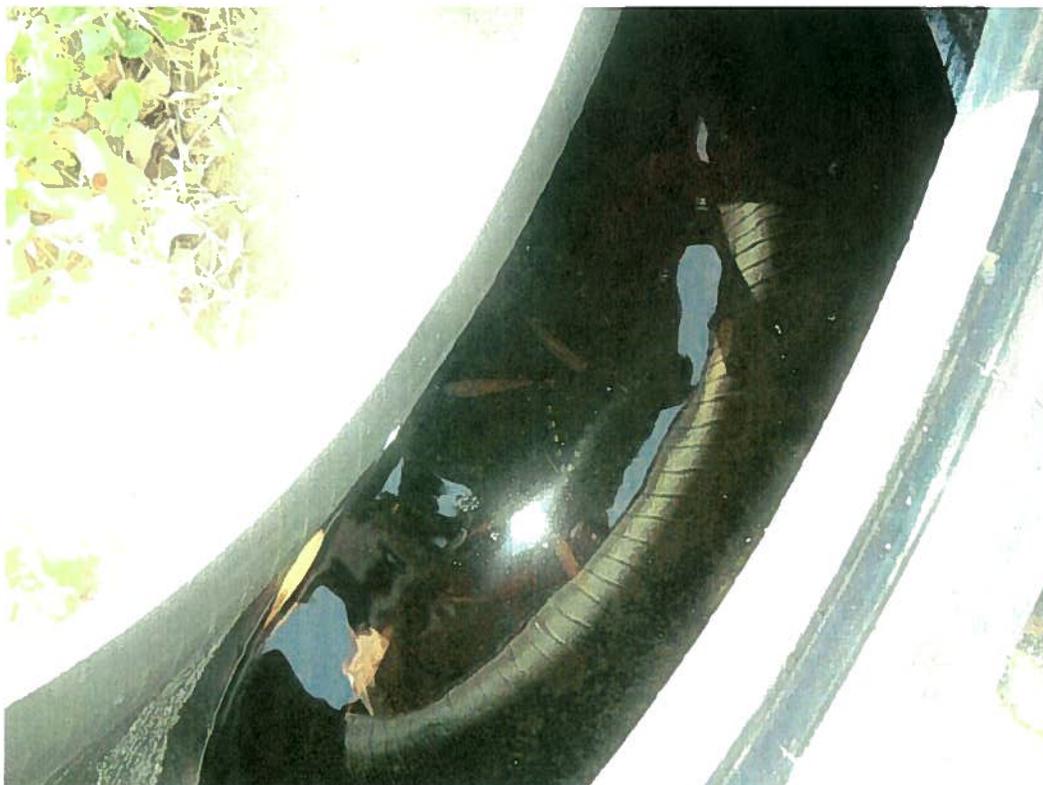




DIGITAL PHOTOGRAPHS



Date: 11/27/2012
Time: 11:14 a.m.
Direction: southwest
Photo by: Garrison Gross
Exposure #: 001
Comments: used / waste
tires stored outside



Date: 11/27/2012
Time: 11:14 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 002
Comments: used / waste
tire holding water and
organic matter; dead
mosquitoes and dead
larvae observed in the
water

File Names: 1938075002~11272012-[001-016].jpg



DIGITAL PHOTOGRAPHS



Date: 11/27/2012
Time: 11:15 a.m.
Direction: southwest
Photo by: Garrison Gross
Exposure #: 003
Comments: unlabeled drums; identified as calcium chloride



Date: 11/27/2012
Time: 11:16 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 004
Comments: used / waste tires holding water and organic matter

File Names: 1938075002~11272012-[001-016].jpg



DIGITAL PHOTOGRAPHS



Date: 11/27/2012
Time: 11:16 a.m.
Direction: northwest
Photo by: Garrison Gross
Exposure #: 005
Comments: used / waste
tires stored outside; waste
inner tubes



Date: 11/27/2012
Time: 11:17 a.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 006
Comments: used / waste
tires stored outside

File Names: 1938075002~11272012-[001-016].jpg



DIGITAL PHOTOGRAPHS



Date: 11/27/2012
Time: 11:17 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 007
Comments: used / waste
tires holding water



Date: 11/27/2012
Time: 11:18 a.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 008
Comments: used / waste
tires stored outside

File Names: 1938075002~11272012-[001-016].jpg



DIGITAL PHOTOGRAPHS



Date: 11/27/2012
Time: 11:18 a.m.
Direction: southeast
Photo by: Garrison Gross
Exposure #: 009
Comments: used / waste
tires stored outside



Date: 11/27/2012
Time: 11:19 a.m.
Direction: southeast
Photo by: Garrison Gross
Exposure #: 010
Comments: used oil
drum; spillage of
automotive fluids around
drum; container not
properly labeled

File Names: 1938075002~11272012-[001-016].jpg



DIGITAL PHOTOGRAPHS



Date: 11/27/2012
Time: 11:22 a.m.
Direction: northwest
Photo by: Garrison Gross
Exposure #: 011
Comments: used / waste
tires stored in a box
trailer



Date: 11/27/2012
Time: 11:24 a.m.
Direction: northeast
Photo by: Garrison Gross
Exposure #: 012
Comments: used / waste
tires stored outside

File Names: 1938075002~11272012-[001-016].jpg



DIGITAL PHOTOGRAPHS



Date: 11/27/2012
Time: 11:24 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 013
Comments: used / waste
tire holding water and
organic matter; dead
mosquitoes observed in
the water

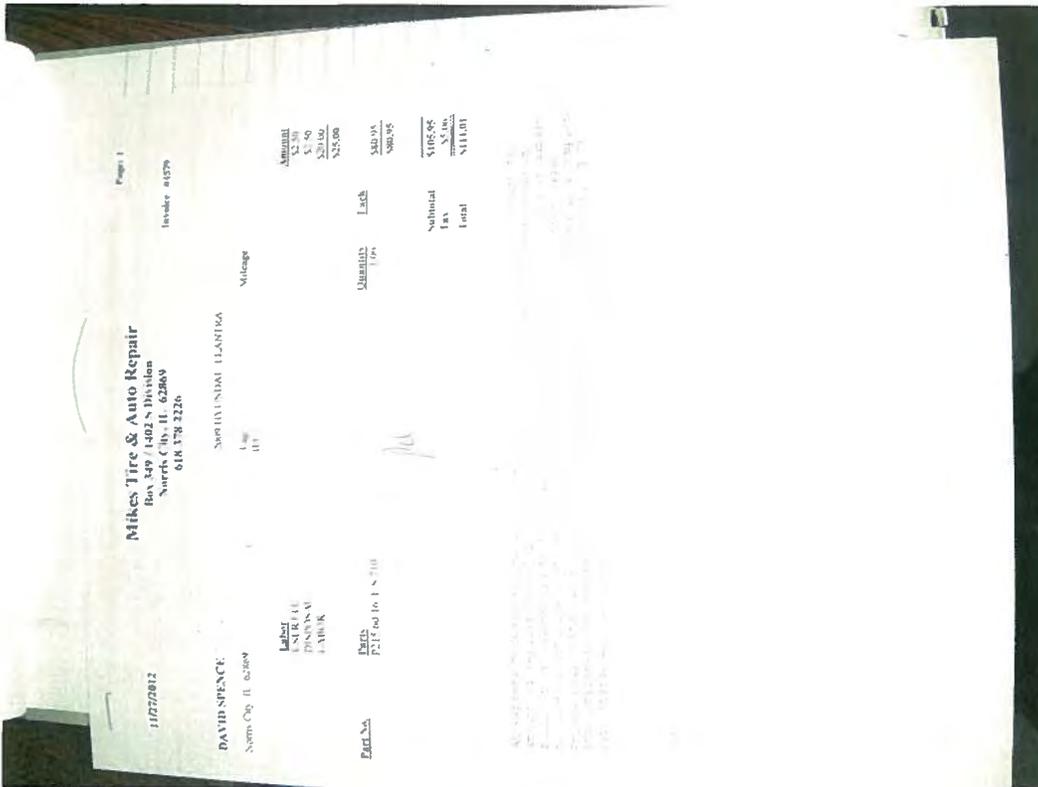


Date: 11/27/2012
Time: 11:25 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 014
Comments: used / waste
tire holding water and
organic matter; dead
mosquitoes observed in
the water

File Names: 1938075002~11272012-[001-016].jpg



DIGITAL PHOTOGRAPHS



Date: 11/27/2012
Time: 11:54 a.m.
Direction: down
Photo by: Garrison Gross
Exposure #: 015
Comments: customer receipt showing collection of tire user fee and disposal fee



Date: 11/27/2012
Time: 11:57 a.m.
Direction: northwest
Photo by: Garrison Gross
Exposure #: 016
Comments: universal waste batteries; not labeled as required

File Names: 1938075002~11272012-[001-016].jpg

PROOF OF SERVICE

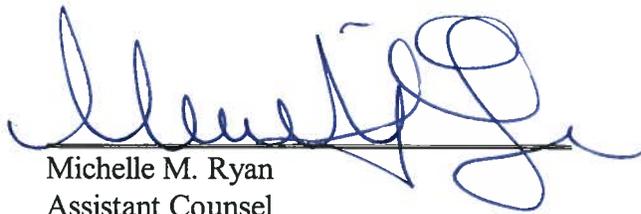
I hereby certify that I did on the 8th day of January 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and TIRE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

To: Michael & Janet Mileham
d/b/a Mike's Tire & Auto Service
P.O. Box 349
Norris City, IL 62869

RECEIVED
CLERK'S OFFICE
JAN 11 2013
STATE OF ILLINOIS
Pollution Control Board

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