



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, Director

(217) 782-9817

TDD: (217) 782-9143

February 28, 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. Lloyd Schoenheit and Mark E. Johnson
d/b/a M J Tire Service.

IEPA File No.33-13-AC: 0474465016—Edwards 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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STATE OF ILLINOIS
Pollution Control Board

AC 13-40



ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

LLOYD SCHOENHEIT and MARK E.
JOHNSON D/B/A M J TIRE SERVICE,

Respondent.

AC

(IEPA No. 33-13-AC)

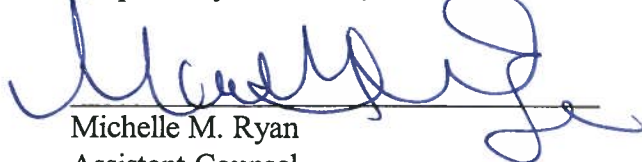
NOTICE OF FILING

To: Lloyd Schoenheit
P.O. Box 190
Grayville, IL 62844

Mark E. Johnson
d/b/a M J Tire Service
1782 CR 2350 North
Grayville, IL 62844

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Assistant Counsel

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

Dated: February 28, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
LLOYD SCHOENHEIT and MARK E.)
JOHNSON D/B/A M J TIRE SERVICE,)
)
)
Respondents.)

AC 13-40
(IEPA No. 33-13-AC)

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MAR 13 2013

STATE OF ILLINOIS
Pollution Control Board

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 Lloyd Schoenheit is the current owner and Mark E. Johnson d/b/a M J Tire Service is the current operator ("collectively Respondents") of a facility located at 1324 North Court Street, Grayville, Edwards County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as M J Tire 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. 0474465016.

3. That Respondents have owned/operated said facility at all times pertinent hereto.

4. That on January 30, 2013, Garrison Gross of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 2-28-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7010 2780 0002 1167 6147 - Schoenheit
7010 2780 0002 1167 6130 - Johnson
VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of the January 30, 2013 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents caused or allowed the open dumping of waste in a manner resulting in standing or flowing liquid discharge from the dump site, a violation of Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6)(2010).
- (2) That Respondents caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than April 15, 2013, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2010), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing,

Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

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

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

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

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

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



John J. Kim, Director
Illinois Environmental Protection Agency

Date:

2/28/2013

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

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STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
LLOYD SCHOENHEIT and MARK E.)
JOHNSON D/B/A M J TIRE SERVICE,)
)
)
)
Respondents.)

AC 13-40
(IEPA No. 33-13-AC)

FACILITY: M J Tire Service
SITE CODE NO.: 0474465016
COUNTY: Edwards
CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: January 30, 2013

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.

STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

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STATE OF ILLINOIS
Pollution Control Board

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 January 30, 2013, between 8:45 A.M. and 9:10 A.M., Affiant conducted an inspection of M J Tire Service in Edwards County, Illinois, known as M J Tire Service by the Illinois Environmental Protection Agency. Said site has been assigned site code number 0474465016 by the Agency.

3. Affiant inspected said M J Tire 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 M J Tire Service.

FURTHER AFFIANT SAYETH NOT.

_____/s/ Garrison Gross

Subscribed and Sworn to before
me this 5th day of February, 2013

Gail Stricklin
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Tire Storage Site Inspection Checklist

County: Edwards LPC#: 0474465016 Region: 7 - Marion

Facility Name: M J Tire Service

Facility Location: 1324 North Court Street, Grayville, Illinois 62844 Telephone: 618-302-7468

Inspection Date: 01/30/2013 Time: From 8:45 A.M. To 9:10 A.M. Previous Inspection Date: 09/19/2011

Inspector: Garrison Gross No. of Photos Taken: 21

Weather: overcast skies, 53°F, moderate breeze No. of Samples Taken: N/A

Interviewed: Mark Johnson Complaint #: N/A - Routine

Waste Tire Hauler Used: Branna, LLC Hauler Registration Number: T-8849

Responsible Party Mailing Address(es):
M J Tire Service
Attn: Mark Johnson
1782 CR 2350 North
Grayville, Illinois 62844
(operator)

Lloyd Schoenheit
P.O. Box 190
Grayville, Illinois 62844
(property owner)

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STATE OF ILLINOIS
Pollution Control Board

~1100

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 OPENLY DUMP SUCH TIRES	<input type="checkbox"/>
8	55(g) ENGAGE IN ANY OPERATION AS A USED OR WASTE TIRE TRANSPORTER EXCEPT IN COMPLIANCE WITH BOARD REGULATIONS. Note: Also Mark a Violation of Subpart F	<input type="checkbox"/>
9	55(h) CAUSE OR ALLOW THE COMBUSTION OF ANY USED OR WASTE TIRE IN AN ENCLOSED DEVICE UNLESS A PERMIT HAS BEEN ISSUED BY THE AGENCY	<input type="checkbox"/>

10	55(i)	CAUSE OR ALLOW THE USE OF PESTICIDES TO TREAT TIRES EXCEPT AS PRESCRIBED BY BOARD REGULATIONS (Note: Also Mark a Violation of 848.205)	<input type="checkbox"/>
11	55.6(b)	FAILURE OF THE OWNER OR OPERATOR OF A TIRE STORAGE SITE TO PAY TO THE AGENCY AN ANNUAL FEE OF \$100.00 BY JANUARY 1 OF EACH YEAR.	<input checked="" type="checkbox"/>
12	55.8(a)	ANY PERSON SELLING TIRES AT RETAIL OR OFFERING TIRES FOR RETAIL SALE IN THIS STATE SHALL:	
	(1)	Collect from Retail Customers a Fee of Two Dollars and Fifty Cents (\$2.50) Per Tire Sold to be Paid to the Department of Revenue.	<input type="checkbox"/>
	(2)	Accept for Recycling Used Tires from Customers, at the Point of Transfer, in Quantity Equal to the Number of New Tires Purchased.	<input type="checkbox"/>
	(3)	Post in a Conspicuous Place a Written Notice at Least 8.5 by 11 Inches in Size that Includes the Universal Recycling Symbol and the Following Statements: "DO NOT put used tires in the trash.", and "State law requires us to accept used tires for recycling, in exchange for new tires purchased."	<input type="checkbox"/>
13	55.8(b)	A PERSON WHO ACCEPTS USED TIRES FOR RECYCLING UNDER 55.8(a) SHALL NOT ALLOW THE TIRES TO ACCUMULATE FOR PERIODS OF MORE THAN 90 DAYS	<input 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 checked="" type="checkbox"/>
	(2)	Meet the Record Keeping and Reporting Requirements of Part 848: Subpart C	<input checked="" type="checkbox"/>
	(3)	NOT Place or Accumulate any Used or Waste Tire in Any Pile Less Than 50 Feet From Grass, Weeds, Brush, Over-hanging Tree Limbs and Similar Vegetative Growth	<input checked="" type="checkbox"/>
	(4)	NOT Place or Accumulate any Used or Waste Tire in Any Tire Storage Unit That is More Than 20 Feet High by 250 Feet Wide by 250 Feet Long(Aisle Space Between Any Piles Within the Unit Shall Be Included in Determining the Width or Length of the Unit)	<input type="checkbox"/>

	(5)	NOT Place or Accumulate any Used or Waste Tires in any Tire Storage Unit Unless they meet: (A) <input type="checkbox"/> Tires are separated by a Berm 1.5 times the height of the tire pile (B) <input type="checkbox"/> Separation Requirements of this part.	<input type="checkbox"/>
17	848.202(d)	IN ADDITION TO THE REQUIREMENTS SET FORTH IN 848.202 (b) AND (c), THE OWNER OR OPERATOR AT SITES AT WHICH MORE THAN 10,000 USED OR WASTE TIRES ARE LOCATED SHALL:	
	(1)	Completely Surround the Site by Fencing in Good Repair Which Is Not less than 6 Feet in Height	<input type="checkbox"/>
	(2)	Maintain an Entrance to the Area Where Used or Waste Tires are Located, Which is Controlled At all Times by an Attendant, Locked Entrance, Television Monitors, Controlled Roadway Access or Other Equivalent Mechanism	<input type="checkbox"/>
	(3)	Completely Surround the Area Where Used or Waste Tires Are Stored by an Earthen Berm or Other Structures Not Less Than 2 Feet in Height Capable of Containing Runoff Resulting from Tire Fires, and Accessible by Fire Fighting Equipment, Except that the Owner or Operator Shall Provide a Means for Access through or Over the Berm or Other Structure	<input type="checkbox"/>
18	848.203	CONTINGENCY PLAN REQUIREMENTS FOR STORAGE SITES WITH MORE THAN 500 TIRES	
	(a)	The owner/operator must meet the requirements of Section 848.203 Note: Also Mark a Violation of 848.203(b), (c), (d), (e), (f), (g), or (h)	<input 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 mosquitoes and other nuisance organisms which may breed in water accumulations in used or waste tires.	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>
	(f)	The contingency plan must be maintained at the site and submitted to state and local authorities.	<input checked="" 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 checked="" 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 checked="" type="checkbox"/> All of the Building's Windows and Doors Maintained in Working Order and Secured to Prevent Unauthorized Access. (3) <input checked="" 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 checked="" 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 checked="" type="checkbox"/> considering the type of building to be used for the tire storage (B) <input checked="" 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 checked="" type="checkbox"/>
	(2)	Have and maintain a contingency plan which meets the requirements of Section 848.203	<input checked="" type="checkbox"/>
	(3)	Meet the record keeping and reporting requirements of Subpart C Note: Also Mark a Violation of Section 848, Subpart C	<input checked="" type="checkbox"/>
22	848.204(d)	A BUILDING THAT STORES MORE THAN 10,000 USED OR WASTE TIRES, AND WAS CONSTRUCTED AFTER 5/10/91, FOR THE PRIMARY PURPOSE OF STORING USED OR WASTE TIRES, SHALL COMPLY WITH THE NFPA 231D BUILDING STANDARD.	<input type="checkbox"/>
PESTICIDE TREATMENT			
23	848.205	OWNERS OR OPERATORS OF TIRE STORAGE SITES TREATING USED OR WASTE TIRES WITH PESTICIDES PURSUANT TO THIS PART OF TITLE XIV OF THE ACT (SHALL):	
	(a)	Use a Pesticide Labeled for Control of Mosquito Larvae Unless an Adult Mosquito Problem is Identified	<input type="checkbox"/>
	(b)	Maintain a record of pesticide use at the site which shall include for each application: (1) <input type="checkbox"/> Date of Pesticide Application (2) <input type="checkbox"/> Number of Used or Waste Tires Treated (3) <input type="checkbox"/> Amount of Pesticide Applied (4) <input type="checkbox"/> Type of Pesticide Used	<input type="checkbox"/>
	(c)	Notify the Agency of Pesticide Use Within 10 Days of Each Application. Notification shall include the information in 848.205(b).	<input type="checkbox"/>
	(d)	Persons Applying Pesticides to Used and Waste Tires Must Comply with the Requirements of the Illinois Pesticide Act (Ill. Rev. Stat. 1989, ch. 5, par. 801 et seq.)	<input type="checkbox"/>
PART 848: SUBPART C: RECORD KEEPING AND REPORTING Note: Applies to Storage Sites with More than 500 Used or Waste Tires			
24	848.302(a)	The owner/operator shall keep on site a: (1) <input checked="" type="checkbox"/> Daily Tire Record (2) <input checked="" type="checkbox"/> Annual Tire Summary	<input checked="" type="checkbox"/>
25	848.303(a)	FAILURE TO MAINTAIN A DAILY TIRE RECORD THAT INCLUDES: <input 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"/>
26	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"/>
27	848.304	FAILURE TO MAINTAIN ON SITE AN ANNUAL TIRE SUMMARY FOR EACH CALENDAR YEAR THAT INCLUDES:	
	(a)	The site number, name and address and the calendar year for which the summary applies.	<input 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"/>
28	848.304(c)	FAILURE TO SUBMIT THE ANNUAL TIRE SUMMARY BY JANUARY 31 OF EACH YEAR	<input type="checkbox"/>
29	848.305	FAILURE TO RETAIN REQUIRED RECORDS ON SITE FOR 3 YEARS	<input type="checkbox"/>
PART 848: SUBPART D: FINANCIAL ASSURANCE NOTE: Applies to Sites which have Stored 5000 or More Used or Waste Tires			
30	848.400(b)(1)	AT TIRE STORAGE SITES AT WHICH TIRES ARE FIRST STORED ON OR AFTER 1/1/92, FAILURE TO COMPLY WITH SUBPART D PRIOR TO STORING ANY USED OR WASTE TIRES Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
31	848.400(b)(2)	AT TIRE STORAGE SITES AT WHICH TIRES ARE STORED PRIOR TO 1/1/92, FAILURE TO COMPLY WITH SUBPART D BY 1/1/92. Note: Also Mark a Violation of 848.401 or 848.404	<input type="checkbox"/>
32	848.401(a)	FAILURE TO MAINTAIN FINANCIAL ASSURANCE EQUAL TO OR GREATER THAN THE CURRENT COST ESTIMATE CALCULATED PURSUANT TO SECTION 848.404 AT ALL TIMES, EXCEPT AS OTHERWISE PROVIDED BY 848.401 (b).	<input type="checkbox"/>
33	848.401(b)	FAILURE TO INCREASE THE TOTAL AMOUNT OF FINANCIAL ASSURANCE SO AS TO EQUAL THE CURRENT COST ESTIMATE WITHIN 90 DAYS AFTER ANY OF THE FOLLOWING: (1) <input type="checkbox"/> an increase in the current cost estimate (2) <input type="checkbox"/> a decrease in the value of a trust fund (3) <input type="checkbox"/> a determination by the Agency that an owner or operator no longer meets the financial test of Section 848.415 (4) <input type="checkbox"/> notification by the owner or operator that the owner or operator intends to substitute alternative financial assurance, as specified in Section 848.406 for self-insurance	<input type="checkbox"/>
34	848.404(a)(2)	BY JANUARY 1 OF EACH YEAR, FAILURE TO SUBMIT A WRITTEN COST ESTIMATE OF THE COST OF REMOVING ALL TIRES.	<input type="checkbox"/>
35	848.404(b)	FAILURE TO REVISE THE COST ESTIMATE WHEN COST ESTIMATES INCREASE.	<input type="checkbox"/>
PART 848: SUBPART F: TIRE TRANSPORTATION REQUIREMENTS			
36	848.601(a)	NO PERSON SHALL TRANSPORT MORE THAN 20 USED OR WASTE TIRES IN A VEHICLE UNLESS THE FOLLOWING REQUIREMENTS ARE MET: (1) <input type="checkbox"/> the owner or operator has registered the vehicle with the Agency in accordance with Subpart F, received approval of such registration from the Agency, and such registration is current, valid and in effect (2) <input type="checkbox"/> the owner or operator displays a placard on the vehicle, issued by the Agency following registration, in accordance with the requirements of Subpart F.	<input type="checkbox"/>
37	848.601(b)	NO PERSON SHALL PROVIDE, DELIVER OR TRANSPORT USED OR WASTE TIRES TO A TIRE TRANSPORTER FOR TRANSPORT UNLESS THE TRANSPORTER'S VEHICLE DISPLAYS A PLACARD ISSUED BY THE AGENCY UNDER SUBPART F IDENTIFYING THE TRANSPORTER AS A REGISTERED TIRE HAULER.	<input type="checkbox"/>
38	848.606(a)	UPON APPROVAL OF A REGISTRATION AS A TIRE TRANSPORTER, THE OWNER OR OPERATOR OF ANY VEHICLE REGISTERED TO TRANSPORT USED OR WASTE TIRES SHALL PLACE A PLACARD ON OPPOSITE SIDES OF THE VEHICLES WHICH DISPLAYS A NUMBER ISSUED BY THE AGENCY FOLLOWING THE WORDS "Registered Tire Transporter: (number)."	<input type="checkbox"/>
39	848.606(b)	REGISTERED TIRE TRANSPORTER NUMBERS AND LETTERS SHALL BE REMOVABLE ONLY BY DESTRUCTION. DIRECTLY ADJACENT TO THE WORDS AND NUMBER, THE VEHICLE OWNER AND OPERATOR SHALL DISPLAY A SEAL FURNISHED BY THE AGENCY WHICH SHALL DESIGNATE THE DATE ON WHICH THE REGISTRATION EXPIRES.	<input type="checkbox"/>
40	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"/>

THE FOLLOWING VIOLATIONS MAY BE CITED WHEN WASTES, INCLUDING TIRES, HAVE BEEN <u>DISPOSED</u> AT A TIRE STORAGE SITE			
41	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS.	<input type="checkbox"/>
42	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
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 checked="" type="checkbox"/> OTHER WASTE	<input checked="" 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 checked="" 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 checked="" 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 (Spillage of Automotive Fluids)	<input checked="" type="checkbox"/>
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
49	739.122(c)	Failure to properly label used oil containers as "Used Oil"	<input checked="" type="checkbox"/>
OTHER REQUIREMENTS			
50		APPARENT VIOLATION OF: <input type="checkbox"/> PCB CASE NUMBER: <input type="checkbox"/> CIRCUIT COURT ORDER ENTERED ON:	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input 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 1, 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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 0474465016 – Edwards County

Name: M J Tire Service

Date of Inspection: January 30, 2013

Inspector: Garrison Gross

Subject: Tire Storage Inspection at M J Tire Service

General Remarks: A tire storage site inspection was conducted on Wednesday, January 30, 2013 at M J Tire Service. The business is located at 1324 North Court Street in Grayville. The inspection was conducted by Garrison Gross representing the Illinois EPA Bureau of Land. This inspection was routine in nature and conducted due to previous offsite observations of used / waste tires. Weather conditions at the time of the inspection were overcast skies, 53°F, with a moderate breeze. Surface conditions were damp to muddy.

Inspection Findings: The inspection began at approximately 8:45 A.M. I arrived at the site and observed two piles of used / waste tires stored near the service entrance (photo 001). A pickup truck load of tires was also observed. Approximately 100 passenger, truck and tractor tires were observed (photo 003 and 004). Most of the tires in this area were off the rim and some had accumulated water (photo 002, 005 and 006). I proceeded toward the office and spoke to Mark Johnson. I questioned Mr. Johnson about the tires being outside. He said he had fallen behind and was in the process of getting them put into storage. He told me that his tire transporter didn't show up for the last scheduled pickup.

I continued the inspection by walking and photographing the site. Mr. Johnson accompanied me during the inspection. I observed two storage bays where resalable used tires are stored. The storage bays are enclosed on three sides. One of the storage bays appeared to have a leaking roof (photo 007). Tires in the back of the storage area were wet. Several tires stored near the entrance had accumulated water and organic material (photo 008). Several large tractor tires were stored in front of the storage bays (photo 011). Water had accumulated in the tractor tires (photo 009). Mr. Johnson stated that the tractor tires had been used to construct a tire Christmas tree. I informed him that no tires should be stored outside. The second bay did not appear to be leaking (photo 010). A few tires stored near the entrance had accumulated water. Approximately 210 tires were stored in this area.

We walked to the box trailer where waste tires are stored. Tires were observed around the outside of the trailer (photo 012). Vegetation was directly adjacent to the tires and some of them had accumulated water and organic material (photo 013). The box trailer was close to being full (photo 014). Approximately 800 used / waste tires were stored in the box trailer. Additional tires were stored underneath the box trailer (photo 015).

We walked to another building that is used to store resalable used tires. Rainwater had blown into this building and some of the tires near the entrance were wet (photo 016). The south side of the roof was damaged and it appeared that rainwater had blown in through the opening. Water and

0474465016 – Edwards County
M J Tire Service
January 30, 2013

organic material had accumulated in some of the tires stored under the damaged roof (photo 017). Approximately 120 tires were stored in the building.

I asked Mr. Johnson if he performed automotive services such as oil changes and what he did with his used oil. He showed me a mini-tote that was used to store the used oil (photo 018). Evidence of automotive fluid spillage was observed on the ground and pallets around the mini-tote. The container was not labeled. I asked Mr. Johnson about waste oil disposal. He told me that Lloyd Schoenheit, the property owner, took care of the oil disposal. Mr. Johnson told me that the mini-tote was used by both businesses. We returned to the office. A 55-gallon drum was located near the front of the office (photos 019 and 020). A bucket was sitting on top of the drum. The bucket contained automotive fluids. Evidence of automotive fluid spillage was observed on the ground around the drum. The drum was not labeled. I provided Mr. Johnson with two "used oil" labels.

A record review was conducted. I reviewed a sales receipt to verify the collection of the tire user fee for the Illinois Department of Revenue. The sales receipt showed the fee as a separate line item (photo 022). The recycle notice was posted in the office as required. Mr. Johnson informed me that he did not have any tire disposal receipts at the business. He said he was working on his taxes and had taken them home. I requested that he email or fax a copy of the last three disposal receipts. Approximately 1100 used / waste tires were observed at the facility. Based on the conditions that were observed, the facility is no longer storage-exempt and should be registered as a tire storage site. I informed him that the facility would be receiving a letter regarding the inspection in the near future. The inspection ended at approximately 9:10 A.M.

Additional Remarks: Three tire disposal receipts were received by facsimile on January 31, 2013.

Summary of Apparent Violations:

Tire Storage	848.203(a)	848.302(a)
21(k)	848.203(b)	55(k)(1)
55(a)(4)	848.203(c)	
55(c)	848.203(d)	Waste Storage
55(d)(1)	848.203(e)	21(a)
55(e)	848.203(f)	21(d)(2)
55.6(b)	848.204(a)	21(e)
848.202(b)(2)	848.204(b)	21(p)(6)
848.202(c)(1)	848.204(c)(1)	
848.202(c)(2)	848.204(c)(2)	Used Oil Labeling
848.202(c)(3)	848.204(c)(3)	739.122(c)



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

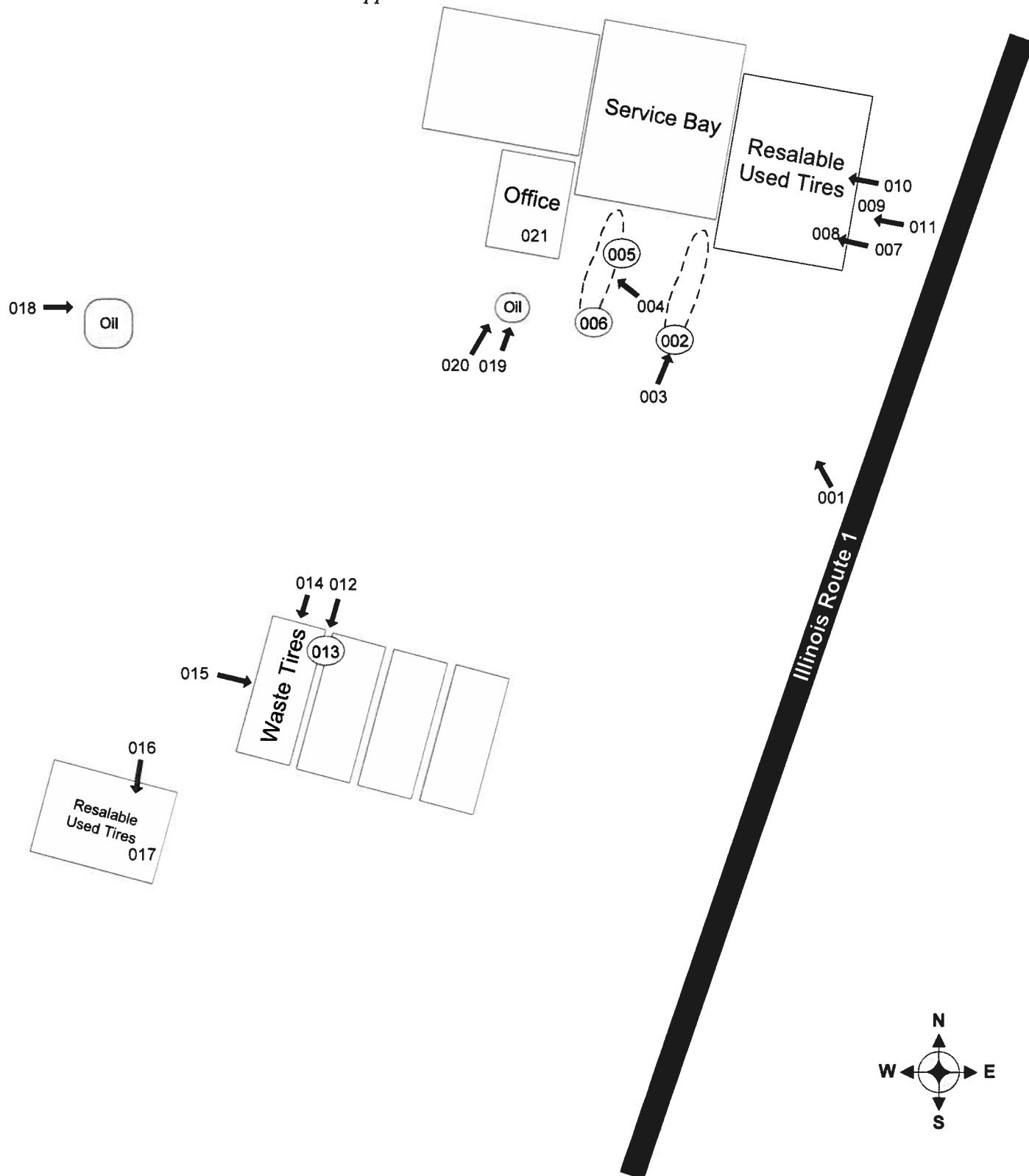
Date: January 30, 2013

BOL ID #: 0474465016 – Edwards County

Site Name: M J Tire Service

Inspector: Garrison Gross

Not Drawn to Scale: *All Locations Are Approximate*





DIGITAL PHOTOGRAPHS



Date: 01/30/2013
Time: 8:48 A.M.
Direction: northwest
Photo by: Garrison Gross
Exposure #: 001
Comments: tires stored outside



Date: 01/30/2013
Time: 8:49 A.M.
Direction: down
Photo by: Garrison Gross
Exposure #: 002
Comments: water in tires

File Names: 0474465016~01302013-[001-021].jpg



DIGITAL PHOTOGRAPHS



Date: 01/30/2013
Time: 8:49 A.M.
Direction: north
Photo by: Garrison Gross
Exposure #: 003
Comments: tires stored outside; off rim and some holding water



Date: 01/30/2013
Time: 8:49 A.M.
Direction: northwest
Photo by: Garrison Gross
Exposure #: 004
Comments: tires stored outside; most were off rim and some were holding water

File Names: 0474465016~01302013-[001-021].jpg



DIGITAL PHOTOGRAPHS



Date: 01/30/2013
Time: 8:49 A.M.
Direction: down
Photo by: Garrison Gross
Exposure #: 005
Comments: water in tires



Date: 01/30/2013
Time: 8:50 A.M.
Direction: down
Photo by: Garrison Gross
Exposure #: 006
Comments: water in tires

File Names: 0474465016~01302013-[001-021].jpg



DIGITAL PHOTOGRAPHS



Date: 01/30/2013
Time: 8:52 A.M.
Direction: west
Photo by: Garrison Gross
Exposure #: 007
Comments: tires stored
inside building with
leaking roof



Date: 01/30/2013
Time: 8:52 A.M.
Direction: down
Photo by: Garrison Gross
Exposure #: 008
Comments: water in tires;
tires stored in building
but rain is blowing in

File Names: 0474465016~01302013-[001-021].jpg



DIGITAL PHOTOGRAPHS



Date: 01/30/2013
Time: 8:53 A.M.
Direction: down
Photo by: Garrison Gross
Exposure #: 009
Comments: water in tires



Date: 01/30/2013
Time: 8:54 A.M.
Direction: west
Photo by: Garrison Gross
Exposure #: 010
Comments: tires stored in shed

File Names: 0474465016~01302013-[001-021].jpg



DIGITAL PHOTOGRAPHS



Date: 01/30/2013
Time: 8:55 A.M.
Direction: west
Photo by: Garrison Gross
Exposure #: 011
Comments: tires stored outside



Date: 01/30/2013
Time: 8:56 A.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 012
Comments: tires stored outside next to box trailer; tires close to vegetation

File Names: 0474465016~01302013-[001-021].jpg



DIGITAL PHOTOGRAPHS



Date: 01/30/2013
Time: 8:57 A.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 013
Comments: tires stored
outside next to box
trailer; water in tires



Date: 01/30/2013
Time: 8:57 A.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 014
Comments: tires stored in
semi-trailer

File Names: 0474465016~01302013-[001-021].jpg

DIGITAL PHOTOGRAPHS

Date: 01/30/2013
Time: 8:57 A.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 015
Comments: tires stored
under semi-trailer



Date: 01/30/2013
Time: 8:58 A.M.
Direction: south
Photo by: Garrison Gross
Exposure #: 016
Comments: tires stored in
building; rain blowing in



File Names: 0474465016~01302013-[001-021].jpg



DIGITAL PHOTOGRAPHS



Date: 01/30/2013
Time: 8:59 A.M.
Direction: down
Photo by: Garrison Gross
Exposure #: 017
Comments: water in tires;
tires stored inside
building with leaking roof



Date: 01/30/2013
Time: 9:01 A.M.
Direction: east
Photo by: Garrison Gross
Exposure #: 018
Comments: spillage of
automotive fluids;
container not labeled

File Names: 0474465016~01302013-[001-021].jpg



DIGITAL PHOTOGRAPHS



Date: 01/30/2013
Time: 9:03 A.M.
Direction: north
Photo by: Garrison Gross
Exposure #: 019
Comments: spillage of
automotive fluids;
container open to
elements and not labeled



Date: 01/30/2013
Time: 9:03 A.M.
Direction: north
Photo by: Garrison Gross
Exposure #: 020
Comments: spillage of
automotive fluids;
container not labeled

File Names: 0474465016~01302013-[001-021].jpg

DIGITAL PHOTOGRAPHS

63108
 Rice-notes (Coca)/Bloc tamaño oficio

M.J. Tire Service
 1782 CO. RD. 2350 N.
 Grayville, IL 62844
 618.302.7408

DATE: 1-29-13
 PHONE NO. ()

CUSTOMER ORDER NO.
 NAME: Suburban Truck
 ADDRESS:

QUANTITY	DESCRIPTION	PRICE	AMOUNT
2	P265/70R17 MC A47 0103-17102 342.00		
2	WHEEL BALANCE	7.50	15.00
2	VALVE STEM	2.50	5.00
	ILLINOIS STATE TIRE TAX		
	TIRE DISPOSAL FEE		
	TAX	21.37	
	TOTAL		383.37

PAID BY: CASH CHECK ☒ CHARGE C.O.D. ☐ ON ACCT ☐ PAID OUT ☐ MAKE RETD ☐

RECEIVED BY: *Thank You*
 No 3797

All items and returned goods must be accompanied by this bill.

Date: 01/30/2013
 Time: 9:05 A.M.
 Direction: down
 Photo by: Garrison Gross
 Exposure #: 021
 Comments: retail tire receipt

RECEIVED
CLERK'S OFFICE

MAR 13 2013

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

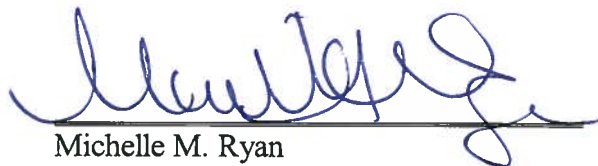
I hereby certify that I did on the 28th day of February 2013, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and TIRE STORAGE SITE INSPECTION CHECKLIST

To: Lloyd Schoenheit
P.O. Box 190
Grayville, IL 62844

Mark E. Johnson
d/b/a M J Tire Service
1782 CR 2350 North
Grayville, IL 62844

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