



City of Chicago
Richard M. Daley, Mayor

Department of Environment

N. Marcia Jiménez
Commissioner

Twenty-fifth Floor
30 North LaSalle Street
Chicago, Illinois 60602-2575
(312) 744-7606 (Voice)
(312) 744-6451 (FAX)
(312) 744-3586 (TTY)
<http://www.cityofchicago.org>

May 18, 2004

The Honorable Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

RECEIVED
CLERK'S OFFICE

MAY 18 2004

STATE OF ILLINOIS
Pollution Control Board

AC 04-79

Re: City of Chicago Department of Environment v.
National Material Limited Partnership
CDOE No. (04-09-AC)

Dear Clerk Gunn:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true copies of an Administrative Citation issued to the above-referenced Respondent, with a Notice of Filing.

On this date, the City of Chicago Department of Environment will cause to be served via FedEx Delivery this Administrative Citation upon the Respondent. Attached please also find the Proof of Service with a Notice of Filing.

If you have any questions or concerns, please contact me at (312) 744-3172.

Sincerely,

Johnna J. Potthoff
Assistant Commissioner
Chicago Department of Environment

Encls.



By: Johnna J. Potthoff
Johnna J. Potthoff
Assistant Commissioner
Permitting and Enforcement Division

RECEIVED
CLERK'S OFFICE

MAY 18 2004

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

Department of Environment vs. Administrative Citation
IN RE: National Material Limited Partnership DOE 04-09-AC
OVN NUMBER

Notice of Violation and other required pleadings, as required by law, were served on the above captioned individual or entity by the means indicated below.

☐ By **PERSONAL SERVICE** upon the individual/entity or their employee or agent.

☐ Refused to sign for receipt of service. _____
SERVERS INITIALS Date

NAME OF PERSON SERVED POSITION/CAPACITY (I.E., AGENT)

☐ Personal service of hearing notice. _____
SERVERS INITIALS Date

SIGNATURE/ NAME OF PERSON SERVED POSITION/CAPACITY (I.E., AGENT)

☐ By **FIRST CLASS U.S. MAIL**, postage prepaid, to the last known address of record of the individual/entity or their registered agent on this _____ day of _____, _____.

MAILING ADDRESS

☐ By **CERTIFIED MAIL** (return receipt requested) to the last known address of record of the individual/entity or their registered agent.

RECEIPT NUMBER

DATE

☒ By **EXPRESS OR OVERNIGHT CARRIER** to the last known address of record of the individual/entity or their registered agent. - Air bill Attached

FedEx Express
CARRIER

841841814333
TRACKING CODE

5-18-04
DATE

CERTIFICATION

I, Johnna Bthoff, Administrative Citation
do hereby certify under threat of penalty provided pursuant to
735 ILCS 5/1-109, that the ~~Ordinance Violation Notice~~ and other required documents were
served on the above named individual/entity or their agent in the manner indicated.

Johnna Bthoff
SIGNATURE OF SERVER

Environment
DEPARTMENT

May 18, 04
DATE

RECEIVED
CLERK'S OFFICE

MAY 18 2004

PROOF OF SERVICE

STATE OF ILLINOIS
Pollution Control Board
Administrative Citation

Department of Environment vs.
IN RE: National Material Limited Partnership DOE 04-09-AC
OVN NUMBER

Notice of Violation and other required pleadings, as required by law, were served on the above captioned individual or entity by the means indicated below.

☐ By **PERSONAL SERVICE** upon the individual/entity or their employee or agent.

☐ Refused to sign for receipt of service. _____
SERVERS INITIALS Date

NAME OF PERSON SERVED POSITION/CAPACITY (I.E., AGENT)

☐ Personal service of hearing notice. _____
SERVERS INITIALS Date

SIGNATURE/ NAME OF PERSON SERVED POSITION/CAPACITY (I.E., AGENT)

☐ By **FIRST CLASS U.S. MAIL**, postage prepaid, to the last known address of record of the individual/entity or their registered agent on this _____ day of _____.

MAILING ADDRESS

☐ By **CERTIFIED MAIL** (return receipt requested) to the last known address of record of the individual/entity or their registered agent.

RECEIPT NUMBER

DATE

☒ By **EXPRESS OR OVERNIGHT CARRIER** to the last known address of record of the individual/entity or their registered agent. Airbill attached

Don Crawford FEDEX EXPRESS
CARRIER

841841814366
TRACKING CODE

5-18-04
DATE

CERTIFICATION

I, Johnna B. Hoff, Administrative Citation
do hereby certify under threat of penalty provided pursuant to
735 ILCS 5/1-109, that the Ordinance Violation Notice and other required documents were
served on the above named individual/entity or their agent in the manner indicated.

Johnna B. Hoff
SIGNATURE OF SERVER

Environment
DEPARTMENT

May 18, 04
DATE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Respondent.

(CDOE No. 04-09-AC)

By: Johnna J. Potthoff
Johnna J. Potthoff
Assistant Commissioner
Permitting and Enforcement Division

MAY 18 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
STATE OF ILLINOIS
Pollution Control Board

CITY OF CHICAGO DEPARTMENT
OF ENVIRONMENT,

Complainant,

v.

NATIONAL MATERIAL LIMITED
PARTNERSHIP

Respondent.

SITE CODE: 031651
AC 04-79
(CDOE No. 04-09-AC)

ADMINISTRATIVE CITATION

Violation:

415 ILCS 5/21(p)(4)
415 ILCS 5/21(p)(6)

Civil Penalty:

\$1,500.00
\$1,500.00
TOTAL: \$3,000.00

Facts

For this Administrative Citation to **National Material Limited Partnership ("NMLP")**, the City of Chicago Department of Environment ("CDOE") states as follows:

1. Complainant, CDOE, is a unit of local government to which the Illinois Environmental Protection Agency has delegated authority to issue administrative citations pursuant to Section 4(r) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/4(r) (2003). CDOE is thus a "delegated unit" and may issue administrative citations under 35 Ill. Adm. Code 108.200.
2. Respondent, NMLP is an Illinois Limited Partnership who is the titled owner of the real property having a Property Identification Number of 25-26-400-008, located at 12950 South Stony Island Avenue, Chicago, Illinois (the "Site").
3. On March 29, 2004, CDOE Investigator Stan Kaehler inspected the Site. A copy of his inspection report is attached as Exhibit 1 and made a part of this Administrative Citation.
4. Based upon direct observations made by Mr. Kaehler during the course of his

inspection, CDOE has determined that Respondent violated the Act as follows:

a. Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of waste in standing or flowing waters, in violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2004).

b. Respondent caused or allowed the open dumping of waste in a manner resulting in standing or flowing liquid discharge from the dump site, in violation of Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2004).

5. Mr. Kaehler's affidavit, attesting to his material actions and observations, is attached as Exhibit 2 and made a part of this Administrative Citation.

6. Based upon the foregoing facts, under Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the two violations identified above, for a total civil penalty of **Three Thousand Dollars (\$3000.00)**.

Notices and Instructions to Respondent

1. **You must pay the civil penalty set forth above unless you contest this Administrative Citation.** The following paragraphs contain payment instructions and more information about contesting this Administrative Citation.

2. To pay the civil penalty (and any other amounts due) send a check or money order, payable to the City of Chicago, to:

City of Chicago Department of Environment
Permitting and Enforcement Division
30 North LaSalle Street
Suite 2500
Chicago, Illinois 60602

To ensure that you receive timely and proper credit for your payment, complete a Remittance Form (see Exhibit 3, attached) and include it with your payment.

3. You may contest this Administrative Citation by filing a Petition for Review, including a Notice of Filing, Certificate of Service, and Appearance, with the Illinois Pollution Control Board ("Board").

4. **Any Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation on you. The Board will not review the Administrative Citation if the Petition for Review is not filed within this time.**

5. The Petition for Review must be filed with:

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

A copy of the Petition for Review must be served on CDOE, at the following address:

City of Chicago Department of Environment
Permitting and Enforcement Division
30 North LaSalle Street
Suite 2500
Chicago, Illinois 60602

6. The contents of a Petition for Review and the procedures to be followed are governed by the Board's procedural rules. Copies may be obtained from the Clerk of the Board at the address above, by calling the Board at (312) 814-3620, or from the Board's web site at:

<http://www.ipcb.state.il.us/slr/boardproceduralandadministrativerules.asp>

7. If you do not contest this Administrative Citation by filing a petition for review with the Board within the allotted time, the Board will enter an order finding that you committed the violations alleged above and imposing the statutory civil penalty set forth above. See Section 31.1(d) of the Act, 415 ILCS 5/31.1(d) (2004), and 35 Ill. Adm. Code 108.500(a).

8. If you contest this Administrative Citation by filing a timely petition for review with the Board, the Board will hold a hearing. The Board's procedural rules have more information on hearings; see 35 Ill. Adm. Code Parts 101 and 108.

9. If the Board finds after the hearing that you committed a violation as alleged above, you will be assessed the hearing costs incurred by CDOE and the Board. Hearing costs are assessed in addition to the statutory civil penalty for the violations. If the Board finds after the hearing that you did not commit a violation as alleged above, or that the violation resulted from uncontrollable circumstances, you will not be assessed hearing costs and you will not have to pay a civil penalty.

10. If any civil penalty and/or hearing costs are not paid within the time set by the Board in its final order, interest on the amount due will be assessed against you from the date payment is due and including the date that payment is received.

11. If any civil penalty and/or hearing costs are not paid within the time set by the Board in its final order, the Office of the Illinois Attorney General and/or the City of Chicago Department of Law may initiate court proceedings against you to collect the amount due, plus any interest accrued. In that event you may also be liable for court costs.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT

By: N. Marcia Jiménez
N. Marcia Jiménez
Commissioner

Date: 5/12/04





CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PERMITTING AND ENFORCEMENT

NARRATIVE EVALUATION

INSPECTION DATE: 03/29/2004

SITE NAME: Midwest Metallic

SITE ADDRESS: 12950 S Stony Island

SITE CODE:

TIME: PM 12:50

EMPLOYEE: Stan Kaehler

COUNTY: Cook / Chicago

SUMMARY

Investigator Kaehler received instruction from DOE Senior Staff to conducted a site assessment of the old Scrap Corp. of America / Midwest Metallic site. This site was operated by Scrap Corp. of America and Midwest Metallic as a scrap yard. The site received and shredded junk autos before filing for bankruptcy in the late 1990's.

Upon arrival, I proceeded to Maryland Pig Services which operates a pig-iron-business along the northern area of this site. Raymond Homolka, foreman for Maryland Pig Services was not on site during this inspection.

SITE CONDITIONS:

1. There are numerous waste piles scattered throughout this site. Waste piles consist of wood, metal, concrete, dirt and waste tires. Piles are stored between 1 foot high to 20 feet high. The waste piles are stored in standing water. There are numerous areas containing standing water from recent rain storms. There does not appear to be any sewers on site. Wood, metal and rock from the operation of this site is embedded into the soil of this site (see all photos).

2. There are two (2) buildings located on the site that are not in use. Both buildings are open and unsecured. There is an excavation located to the south of one (1) of the abandon buildings that is filled with water. This excavation is heavily stained with a petroleum product. The water located within the excavation has a petroleum residue floating on top of water (see photos #20 & #21).

SEE ATTACHMENTS

REPORT COMPLETED ? ☒ YES ☐ NO

NOV ISSUED ? ☐ YES ☒ NO

INVESTIGATION COMPLETED ? ☒ YES ☐ NO

ATTACHMENTS ? ☒ YES ☐ NO

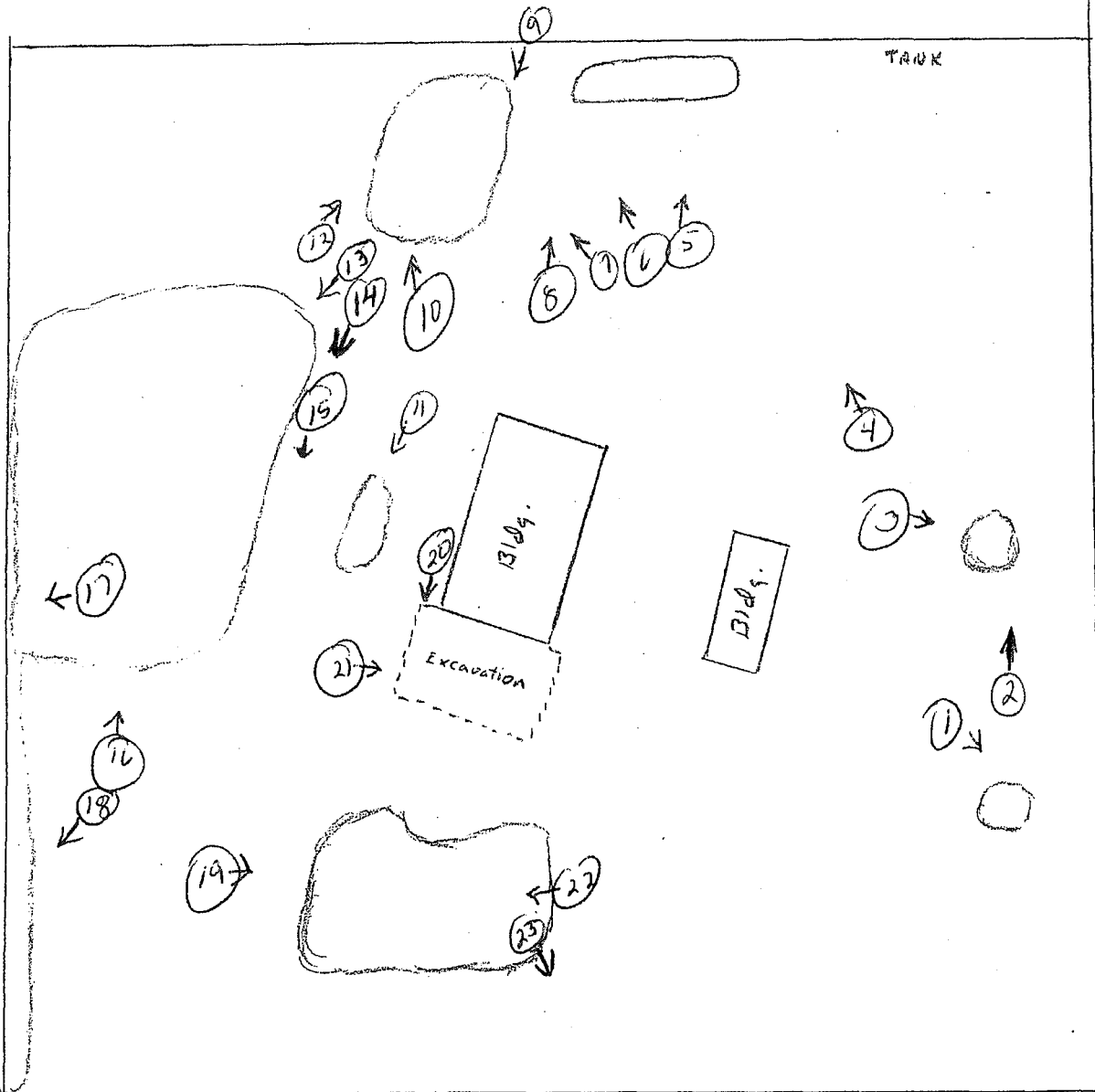
I, Stan Kaehler an employee of the City of Chicago, Department of Environment, declare that I have conducted an inspection of the above mentioned property on the date indicated. I further declare that the observations set forth on the report are true and accurate.

35
STAR #

S. Kaehler
SIGNATURE



Ill. Port
Authority



East 130th St.

Not to Scale.
All Boundaries are Approximate.



SITE SKETCH

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
SOLID WASTE & TECHNICAL SERVICES DIVISION

DATE:	3-29-04
TIME:	12:50 P.M. - 1:45 P.M.
SITE ADDRESS:	12950 S. Stony Island
SITE CODE:	031651
INSPECTOR:	S. Kaehler
COUNTY:	COOK COUNTY, CHICAGO

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 3-29-04
Site: 12450 S. Stony Island
Site Code: 031651

Time: 12:50 PM - 1:45 PM
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 1 Direction SE

Comments: Tires, wood, dirt + scrap metal.



Roll # _____ Photo # 2 Direction North

Comments: Tall weeds, standing water, tires + scrap metal.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 3-29-04
Site: 12950 S. Stony Island
Site Code: 031651

Time: 12:50 P.M. - 1:45 P.M.
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 3 Direction SE
Comments: Waste tires + scrap metal.



Roll # _____ Photo # 4 Direction NNW
Comments: Scrap metal embedded into soil.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 3-29-04
Site: 12950 S. Stony Island
Site Code: 031651

Time: 12:50 P.M. - 1:45 P.M.
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 5 Direction North

Comments: Dirt, concrete, wood + metal waste pile stored along the northern area of site.



Roll # _____ Photo # 6 Direction NW

Comments: waste tires, tall weeds + scrap metal in standing water.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

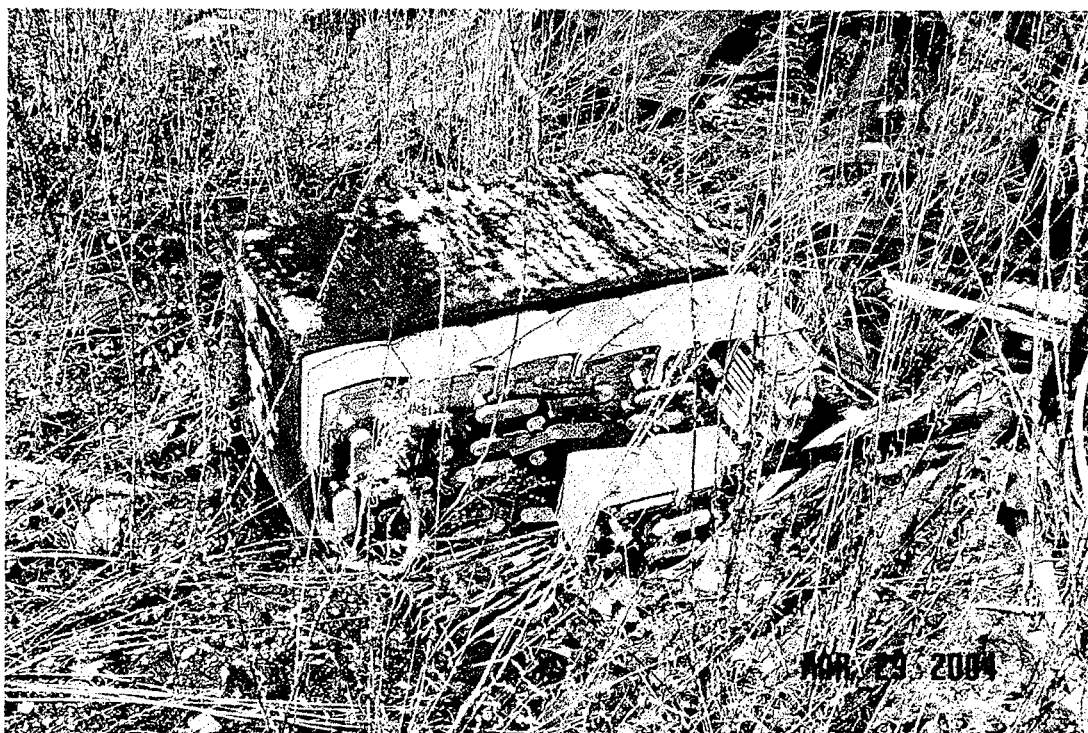
Date: 3-29-04
Site: 12950 S. Stony Island
Site Code: 031651

Time: 12:50 P.M. - 1:45 P.M.
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 7 Direction NW

Comments: C+P, scrap metal, tires, wood + batteries scattered on the ground.



Roll # _____ Photo # 8 Direction NNW

Comments: Scrap metal, wood + batteries.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 3-29-04
Site: 12950 S. Stony Island
Site Code: D31651

Time: 12:45 PM - 1:45 PM
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 9 Direction South

Comments: C&D, wood, wastetires, metal + plastic waste.



Roll # _____ Photo # 10 Direction NNW

Comments: Tires, C&D + other mixed waste located in standing water.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

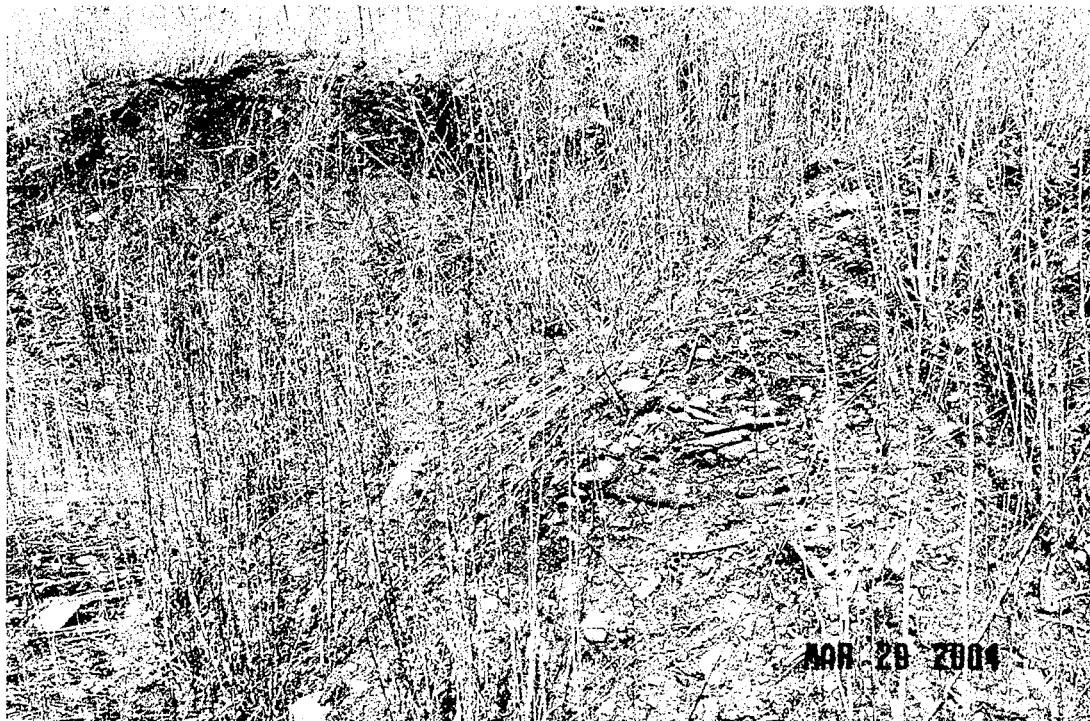
Date: 3-29-04
Site: 12950 S. Stony Island
Site Code: 031651

Time: 12:50 PM - 1:45 PM
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 11 Direction South

Comments: Wood, carpet, tile + glass window frames dumped on site.



Roll # _____ Photo # 12 Direction NE

Comments: Wood, CRD, plastic + metal waste pile (close up to photo #10).

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 3-29-04
Site: 12950 S. Stony Island
Site Code: 031651

Time: 12:50 P.M. - 1:45 P.M.
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 13 Direction SW

Comments: C&D, dirt, wood, metal + waste tires stored in standing water.



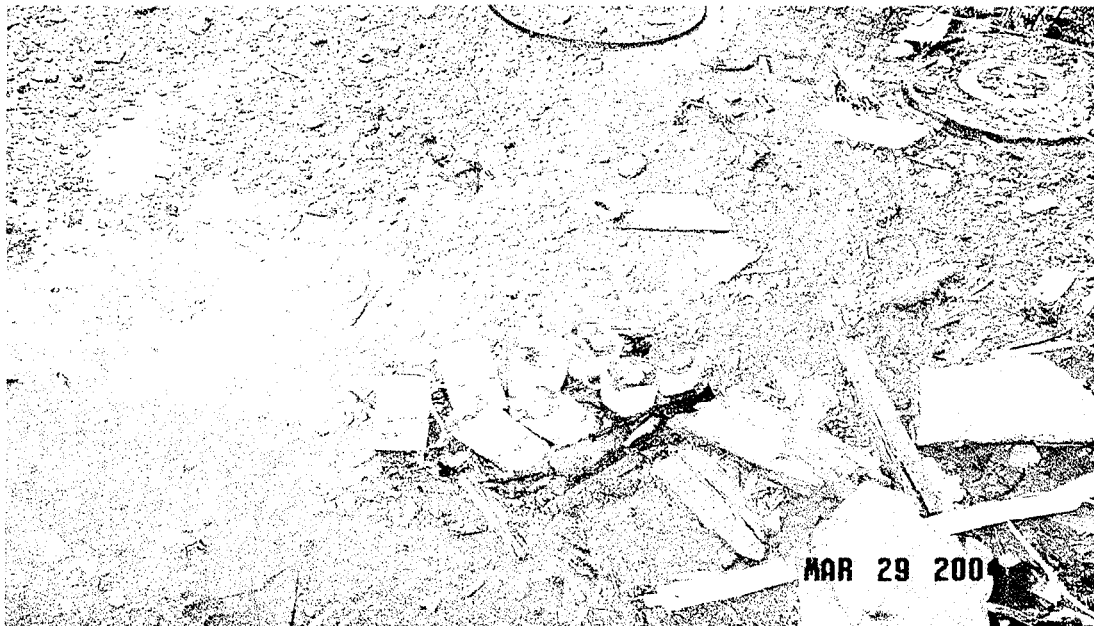
Roll # _____ Photo # 14 Direction SSW

Comments: C&D, metal, wood + old waste rubber conveyor belt stored in standing water.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 3-29-04
Site: 12950 S. Stony Island
Site Code: 031651

Time: 12:50 P.M. - 1:45 P.M.
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 15 Direction South (down)
Comments: Wood, metal & capacitors in standing water.



Roll # _____ Photo # 16 Direction North
Comments: C&D, scrap metal & waste tires located along the western area of site.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 3-29-04
Site: 12950 S. Stony Island
Site Code: 031651

Time: 12:50 PM - 1:45 PM
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 17 Direction West

Comments: Tall weeds + waste tires located along western area of site.



Roll # _____ Photo # 18 Direction SW

Comments: CRD, scrap metal, weeds + waste tires in standing water.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 3-29-04
Site: 12450 S. Stony Island
Site Code: 031651

Time: 12:50 PM - 1:45 PM
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 19 Direction East
Comments: Plastic, scrap metal & tires with discolored water permeating waste pile.



Roll # _____ Photo # 20 Direction South
Comments: Ground heavily stained with unknown petroleum product with standing water in excavation of area.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 3-29-04
Site: 12950 S. Stony Island
Site Code: 031651

Time: 12:50 P.M. - 1:45 P.M.
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 21 Direction East

Comments: Petroleum sheen floating on surface of standing water in excavation area heavily stained with product.



Roll # _____ Photo # 22 Direction WSW

Comments: Metal, fluff, wood, plastic + waste tires.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 3-29-04
Site: 12450 S. Stony Island
Site Code: 031651

Time: 12:50 P.M. - 1:45 P.M.
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 23 Direction SSE

Comments: creamy discolor water permeating waste pile in photos
#19 + #22,