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SEP 05 2003

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)

Complainant,)

v.)

MARVIN J. WILSON)

Respondent.)

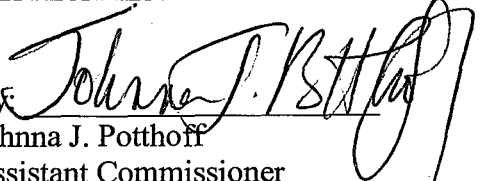
AC 04-7
(CDOE No. 03-01-AC)

NOTICE OF FILING

To: Marvin J. Wilson

PLEASE TAKE NOTICE that on 9/5/03, we caused the attached Administrative Citation to be filed with the Clerk of the Illinois Pollution Control Board.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT

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

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MARVIN J. WILSON)
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Respondent.)

STATE OF ILLINOIS
Pollution Control Board

AC 04-7
(CDOE No. 03-01-AC)

ADMINISTRATIVE CITATION

<u>Violation:</u>	<u>Civil Penalty:</u>
415 ILCS 5/21(p)(1)	\$1,500.00
415 ILCS 5/21(p)(3)	\$1,500.00
415 ILCS 5/21(p)(7)	\$1,500.00
TOTAL:	\$4,500.00

Facts

For this Administrative Citation to **Marvin J. Wilson**, 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, Marvin J. Wilson is an Illinois resident who was the president and registered agent of Ramp Services Inc., a dissolved Illinois Corporation that is the titled owner of real property located at 611 West 51st Street, Chicago, Illinois.
3. On July 29, 2003, CDOE inspector Benjamin Nwigwe inspected Respondent's property. 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. Nwigwe 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 litter, in violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2003).

b. Respondent caused or allowed the open burning of refuse dumping of waste in a manner resulting in litter, in violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2003).

c. Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general and/or clean construction or demolition debris, in violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2003).

5. Mr. Nwigwe'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) (2003), 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 civil penalty of **Four Thousand Five Hundred Dollars (\$4,500.00)**.

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
Field Operations 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/rules/procedural/procedural.htm>

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) (2003), 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.

Date: Sept. 3, 03

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT

By: M. Marcia Jiménez
M. Marcia Jiménez
Commissioner

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT, Complainant, v. MARVIN J. WILSON, Respondent.

RECEIVED CLERK'S OFFICE SEP 05 2003 STATE OF ILLINOIS Pollution Control Board

AC 04-7 (CDOE No. 03-01-AC)

AFFIDAVIT

State of Illinois) County of Cook) ss.:

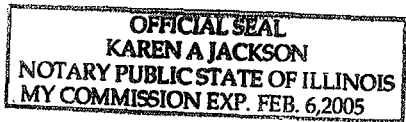
Affiant, Ben Nwigwe, being duly sworn, voluntarily deposes and states as follows:

- 1. At all times relevant to the above-captioned Administrative Citation, Affiant was employed as an inspector by the City of Chicago Department of Environment. 2. On July 29, 2003 between 3:45 p.m. and 4:00 p.m., Affiant conducted an inspection of the property located at 611 West 51st Street, Chicago, Illinois by the City of Chicago Department of Environment. 3. Affiant conducted an onsite inspection, which included walking around the property and photographing the site. 4. In connection with this inspection, Affiant completed the Inspection Report appended to and made part of the above-captioned Administrative Citation, which is an accurate record of Affiant's observations and factual conclusions with respect to the site. This July 29, 2003 inspection report references Affiant's May, 13, 2003 inspection report which is also an accurate record of Affiant's observations and factual conclusions with respect to the site on May, 13, 2003.

Ben Nwigwe (signature) Ben Nwigwe

Subscribed and sworn before me This 28th day of Aug, 2003.

Karen A. Jackson (signature) Notary Public



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OF ENVIRONMENT,)
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Complainant,)
)
v.)
)
MARVIN J. WILSON)
)
)
Respondent.)

AC 04-7
(CDOE No. 03-01-AC)

REMITTANCE FORM

FACILITY/PROPERTY: _____
COUNTY: _____ CIVIL PENALTY: _____
DATE OF INSPECTION: _____ DATE REMITTED: _____
Signature: _____ FEIN/SSN: _____
Print Name: _____ Title: _____

Instructions

Enter the date of your remittance, your Federal Employee Identification Number (FEIN) (or social security number (SSN) if an individual) and sign this Remittance Form. Print the name of the person signing this remittance Form and that person's title, if applicable. Send your check (payable to City of Chicago) along with Remittance Form to:

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

**CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
NARRATIVE FORM**

**Date:07-29-03
Site:611 W 51st St.
Site Code:**

**Time:3:45-4PM
Inspector: B. Nwigwe
County: Cook-Chicago**

An inspection of this address was conducted as part of a follow up for a 05-13-03 open fire, and illegal dumping complaint. Upon arrival I patrolled the general area, and assessed the site condition which remained unchanged since the previous visit.

The facility was cluttered with hundreds of wooden pallets in which 65% were accumulated in the workshop, and the rest were found stacked out side at different locations, and in trailers. The facility appeared abandoned and unprotected, and is easily accessible to the public from all angles.

I observed dumped discarded tires, auto parts, trucks, cars, and other debris coupled with several thousands of pallets. Also a small amount of ashes in (photo #1 and photo #2) is most likely from open burning. The prior report also has additional photos of ashes.

Site was referred to the Chicago Fire Department (South Area) for the fire hazard. Lt. Thomas, and Lt. Simmons were contacted on July 22 -2003 at 3:10PM. (747-7555).

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 7-29-03

TIME: 3:05-4

SITE: 611 N 51st ST

INSPECTOR: Ben Nwigwe

SITE CODE: _____

COUNTY: Cook/Chicago



Roll #: _____ Photo #: 1 Direction: S

Comments: panels



Roll #: _____ Photo #: 2 Direction: SW

Comments: panels

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 7-29-03

TIME: 3:45-4

SITE: 611 W 57th St

INSPECTOR: Ben Nwigwe

SITE CODE: _____

COUNTY: Cook/Chicago



Roll #: _____

Photo #: 3

Direction: W

Comments: Boxes broken wood pallets



Roll #: _____

Photo #: 4

Direction: SW

Comments: Large metal wood debris area

metal, debris

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 7-29-03

TIME: 3:55 PM

SITE: 611 W 57th St

INSPECTOR: Ben Nwigwe

SITE CODE: _____

COUNTY: Cook/Chicago



Roll #: _____ Photo #: 5 Direction: W
Comments: Truck, Car, into pits and other
debris

Roll #: _____ Photo #: _____ Direction: _____
Comments: _____



PRIVILEGED & CONFIDENTIAL COMMUNICATION IN ANTICIPATION OF LITIGATION
 CITY OF CHICAGO
 DEPARTMENT OF ENVIRONMENT
 COMPLAINT INVESTIGATION FORM

12 JUN 2003 18

JUN12 '03 RCVD

Received by Phone 311 Mail In Person Email Taken/Logged By: IC

Date Received: 5/13/03 Time: 10:43 Supervisor Assigned: LR/BN

DLPC # _____ County: COOK ESCODE: _____ Ward: _____

COMPLAINT LOCATION 611 W 51st Street

FACILITY/COMPANY: _____ PHONE: _____

TO BE FILLED IN BY INSPECTOR ONLY:	
Respondent Facility:	_____
Address	<u>611 W 51st St</u>
Phone:	_____

Complaint Details: _____

INVESTIGATION SUMMARY

By: BEN NWIGWE Star # 17 Date: 5-13-03

Interviewed: / Time: 12-1:45

Findings: _____

See Attachments

Conclusions: _____

- Insp.
- Rev.
- Zcar,

Complainant notified of findings? Yes No

Referred to: DOE Citation # _____ Court Date: 9-11-03

White • Investigator Yellow • Supervisor Pink • Administration

12 JUN 2003

**CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
NARRATIVE FORM**

Date:05-13-03
Site:611 W 51st St.
Site Code:

Time:12-1:45PM
Inspector: B. Nwigwe
County: Cook-Chicago

The above site was referred to us by Department of Street and Sanitation concerning DOE violations. Upon arrival I observed cinder and ash left over from burnt material on the ground, some of the unburnt pieces of wood I examined looked the same as the stuck piled pallets in photo #1.

There were accumulation of discarded or junk material on the ground including but not limited to junk car, truck, tires, wood, plastics, drums, garbage truck, dumpster, auto parts, and other equipments.

About 20 cubic yards of construction and demolition material and other debris were dumped on the ground.

No site representative was present at the time of inspection. A title search which indicated Mr. Gregory Paul Smith of 15945 Marsfield St. Harvey IL. 60609 as the respondent was obtained.

The following notice of ordinance violations were issued.

- Chapter 7-28-080 Nuisance in connection with business
- Chapter 7-28-720 Accumulation of material
- Chapter 7-28-440 Dumping without a permit
- Chapter 7-28-450 Owner responsible for removal
- Chapter 11-4-590 Refuse burning
- Chapter 11-4-630 Atmospheric pollution

Court date is set for September 11th 2003 See attachments.

I, BEN NWIGWE an employee of the City of Chicago Department of Environment, certify that I have conducted an inspection of the above referenced property on the date indicated. I further certify that the observations set forth in this report are true and accurate.

17
insp. #

Ben Nwigwe
Signature

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 5-13-03

TIME: 12-1:45

SITE: 611 W 51st

INSPECTOR: Ben Nwigwe

SITE CODE: _____

COUNTY: Cook/Chicago



Roll #: 6934 Photo #: 1 Direction: N
Comments: Junk Car Truck Tires drums
wood and other debris



Roll #: 6934 Photo #: 2 Direction: S
Comments: wood

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 5-13-03

TIME: 12-1:45

SITE: 611 W 51st

INSPECTOR: Ben Nwigwe

SITE CODE: _____

COUNTY: Cook/Chicago



Roll #: 6934 Photo #: 3 Direction: S
Comments: wood and left over materials from open fire



Roll #: 6934 Photo #: 4 Direction: SW
Comments: debris

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 5-13-03

TIME: 12-1:45

SITE: 611 W 51st

INSPECTOR: Ben Nwigwe

SITE CODE: _____

COUNTY: Cook/Chicago



Roll #: 6934 Photo #: 5 Direction: E
Comments: Construction and demolition material
wood, junk cars, trucks



Roll #: 6934 Photo #: 6 Direction: SW
Comments: Drums wood
Cinder and Ash left over from burnt material



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>

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SEP 05 2003

STATE OF ILLINOIS
Pollution Control Board

September 3, 2003

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

Re: City of Chicago Department of Environment v. Marvin J.
Wilson

CDOE No. 03-01-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, through its agent, will serve, via hand delivery, this Administrative Citation upon the Respondent. As soon as I receive the affidavit of service, I will promptly file a copy with you, for the purpose of entering a default judgement in the event Respondent fails or elects not to file a petition for review contesting the Administrative Citation.

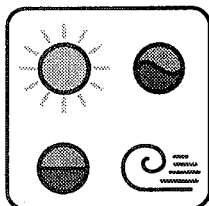
If you have any questions or concerns, please contact me at (312) 744-3172.

Sincerely,

Johnna J. Potthoff
Assistant Commissioner
Chicago Department of Environment

Encl.

Chicago



Department of
Environment

