

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
OCT 10 2003

STATE OF ILLINOIS
Pollution Control Board

CITY OF CHICAGO)	
DEPARTMENT OF ENVIRONMENT,)	
)	
Complainant,)	
)	
v.)	AC 04-13
)	(CDOE No. 03-02-AC)
EDDIE GREER,)	
)	
Respondent.)	

CERTIFICATE OF SERVICE OF ADMINISTRATIVE CITATION

Attached hereto is the serving officer's certificate of service of the attached Administrative Citation on respondent Eddie Greer. Service was made on October 3, 2003.

THE CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT

Mara S. Georges
Corporation Counsel

By: 
Assistant Corporation Counsel

Mara S. Georges
Corporation Counsel
Charles A. King
Assistant Corporation Counsel
30 N. LaSalle St., Suite 900
Chicago, IL 60602
(312) 742-0330

RETURN TO: Charles King

- PERSONAL SERVICE -

ROOM: 9th F

STATE OF ILLINOIS)
COUNTY OF COOK) SS

AFFIDAVIT OF POLICE OFFICER

2003-10-141

CASE NUMBER: AC 04-13

FILED DATE: 9/22/03 DIE DATE: 10/12/03 INV # _____

WITNESS OR DEFENDANT: Eddie Greer (defendant)
ADDRESS: 9923 S. Peoria
Chicago, IL

COURTROOM: IPCB

DOB: _____

(Possible alternate address: 14 W. 65th St. This may be a relative.)

SSN: _____

(A) I, the undersigned, being over eighteen years of age, not a party to the action and duly sworn on oath, certify that I served Administrative Citation on the defendant as follows:

(1) **PERSONAL SERVICE:** By leaving a copy of the Administrative Citation with the named defendant personally.



(3) **SERVICE ON:** Corporation _____ Company _____ Business _____ Partnership _____. By leaving a copy of Administrative Citation with the registered agent, authorized person or partner of defendant.

(4) **CERTIFIED MAIL #** _____

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Pollution Control Board

(B) The party served is described as follows:

(1) SEX M RACE I AGE 46

(2) Name of Defendant: Eddie Greer
SUMMONS SERVED ON: EDDIE GREER
THIS 3 DAY OF OCT, 20 03 TIME: 4:00 PM
ADDITIONAL REMARKS: _____

(C) I AM A DULY AUTHORIZED TO SERVE PROCESS IN THIS CAUSE AND STATE THAT THE INFORMATION CONTAINED IN (A) AND (B) ABOVE IS THE TRUTH.

TERRY HILLARD, CHICAGO POLICE SUPERINTENDENT, BY:

M Kostr POLICE OFFICER, STAR # 12612

Signed and Sworn to before me on: _____ By: _____

Notary Public
Cook County, Illinois

THE NAMED DEFENDANT WAS NOT SERVED:

TYPE OF BUILDING: _____
NEIGHBORS NAME: _____
ADDRESS: _____

REASON NOT SERVED:

- MOVED WRONG ADDRESS
- DECEASED BUILDING VACANT
- NO SUCH ADDRESS
- VACANT LOT NO CONTACT
- UNABLE TO GAIN ENTRY

ATTEMPTED SERVICES:

DATE	TIME	AM/PM
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ADDITIONAL REMARKS: _____

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT.)

Complainant.)

v.)

EDDIE GREER)

Respondent.)

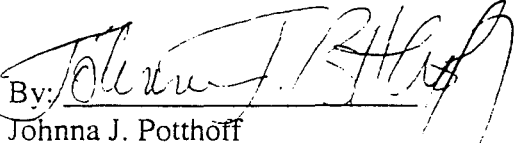
AC 04-3
(CDOE No. 03-02-AC)

NOTICE OF FILING

To: Eddie Greer

PLEASE TAKE NOTICE that on 11-20-03 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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)
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)
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EDDIE GREER)
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AC 04-13
(CDOE No. 03-02-AC)

ADMINISTRATIVE CITATION

<u>Violation:</u>	<u>Civil Penalty:</u>
415 ILCS 5/21(p)(1)	\$1,500.00
415 ILCS 5/21(p)(7)	\$1,500.00
TOTAL:	\$3,000.00

Facts

For this Administrative Citation to **Eddie Greer**, 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, Eddie Greer is an Illinois resident who is the titled owner of real property located at 609 West 59th Street, Chicago, Illinois.
3. On August 14, 2003, CDOE inspector Linda Kelly inspected Respondent's property. A copy of her inspection report is attached as Exhibit 1 and made a part of this Administrative Citation.

4. Based upon direct observations made by Ms. Kelly during the course of her 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 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. Ms. Kelly's affidavit, attesting to her 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 **Three Thousand Dollars (\$3,000.00)**.

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/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: 9/18/03

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT

By: N. Marcia Jiménez
N. Marcia Jiménez
Commissioner

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)
)
Complainant,)
)
v.)
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EDDIE GREER)
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Respondent.)

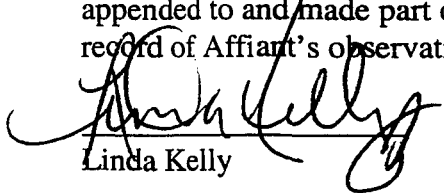
AC 04-13
(CDOE No. 03-02-AC)

AFFADAVIT

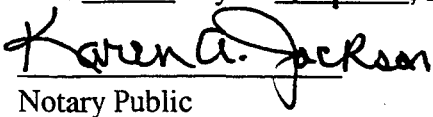
State of Illinois)
) ss.:
County of Cook)

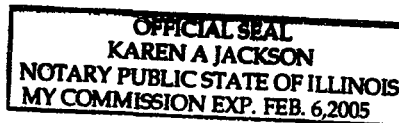
Affiant, Linda Kelly, being duly sworn, voluntarily deposes and states as follows:

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 August 14, 2003 between 9:00 a.m. and 10:00 a.m., Affiant conducted an inspection of the property at 609 West 59th 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 this site.


Linda Kelly

Subscribed and sworn before me
This 18th day of Sept, 2003.


Notary Public



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)

Complainant,)

v.)

EDDIE GREER)

Respondent.)

AC _____
(CDOE No. 03-02-AC)

REMITTANCE FORM

FACILITY/PROPERTY: 609 W 51st St.

SITE CODE: 0316675092

COUNTY: COOK

CIVIL PENALTY: \$3000.00

DATE OF INSPECTION: 08/14/2003

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

28 AUG 2003

J10 kg

Open Dump Inspection Checklist

AUG 28 10 3 AM '03 ROME

County: COOK, CHICAGO L.C.#: 0316675092 Region: 2

Location/Site Name: 601-09 W. 59th Street.

Date: 8-14-03 Time: From 9:00am To 10:00am. Previous Inspection Date: 5/21/03 ROME

Inspector(s): L. Kelly CDOE Weather: CLEAR/Sunny

No. of Photos Taken: # 4 Est. Amt. of Waste: 46,000 yds³ Samples Taken: Yes# No X

Interviewed: owner not present at time of inspection Complaint #:

Responsible Party
Mailing Address(es) and
Phone Number(s):

(OWNER) Eddie Greer.
9926 South Peoria
Chicago, Il 60643
Phone No.

(Agent)

SECTION	DESCRIPTION	VIOL.
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1. 9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2. 9(c)	CAUSE OR ALLOW OPEN BURNING	
3. 12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	
4. 12(d)	CREATE A WATER POLLUTION HAZARD	
5. 21(a)	CAUSE OR ALLOW OPEN DUMPING	X
6. 21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
(1)	Without a Permit	X
(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
7. 21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	X
8. 21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
(1)	Litter	X
(2)	Scavenging	
(3)	Open Burning	
(4)	Deposition of Waste in Standing or Flowing Waters	
(5)	Proliferation of Disease Vectors	

	(6)	Standing or Flowing Liquid Discharge from the Dump Site	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	X
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
OTHER REQUIREMENTS			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	X
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE HAULER WITHOUT A WASTE HAULING PERMIT AND/OR MANIFEST	
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER:	21(P) (7) DEPOSITION OF GENERAL CONSTRUCTION OR DEMOLITION DEBRIS; OR CLEAN CONSTRUCTION OR DEMOLITION DEBRIS .	X

Barbara Kelly

 Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. 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 references listed in 1. and 2. above.
4. 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.
5. 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).
6. Items marked with an "NE" were not evaluated at the time of this inspection.
7. Statutory effective date: through 1/8/97.
8. Regulatory effective date: through 12/20/94.

L. P.C.#0316675092
601-09 West 59th Street
08-14-03

STATE APPARENT VIOLATIONS

- 21(a) CAUSE OR ALLOW OPEN DUMPING.**
- 21(d)(1) CONDUCT ANY WASTE-STORAGE , WASTE -TREATMENT, OR WASTE DISPOSAL OPERATION: WITHOUT A PERMIT**
- 21(D)(2) CONDUCT ANY WASTE - STORAGE, WASTE TREATMENT, OR WASTE DISPOSAL OPERATION: IN VIOLATION OF ANY REGULATION OR STANDARDS ADOPTED BY THE BOARD.**
- 21(E) DISPOSE, TREAT, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF THE ACT AND REGULATIONS.**
- 21(P)(1) CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER THAT RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE: LITTER.**
- 21(P)(7) DEPOSITION OF GENERAL CONSTRUCTION OR DEMOLITION DEBRIS OR CLEAN CONSTRUCTION OR DEMOLITION DEBRIS.**
- 55(a)(1) NO PERSON SHALL: CAUSE OR ALLOW THE OPEN DUMPING OF ANY USED OR WASTE TIRE**
- 812.101(a) FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL**

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
NARRATIVE

Date: August 14, 2003
Site: 601-09 South Street
Site Code: 0316675092

Time:9:00am-10:00am
Env. Corrd: L.. Kelly
County: Cook/Chicago

I conducted an inspection of an illegal auto-junkyard. I arrived on site and made the following observations

SITE OBSERVATIONS:

- Neighborhood Setting: The lot is a commercial parcel. The property was used as a permitted auto junkyard by the previous owner. At the time of inspection no one was at the site. The site was secured fencing, in the alley I observed fly dumped waste in front of gate entrance in the alley way.
- I observed at the entrance behind the locked fence heavy equipment and waste auto parts. I was unable to obtain entrance to the site and was only able to take pictures through the front gate. I observed the lot packed to capacity with junk vehicles, waste auto parts, and heavy equipment. I checked with the Department of Revenue and DOE files and found that no permit or license is currently issued for this address.



Not to Scale
 All Boundaries are Approximate



SITE SKETCH
 CITY OF CHICAGO
 DEPARTMENT OF ENVIRONMENT
 FIELD OPERATIONS DIVISION

DATE:	8/14/03
TIME:	9:00 AM - 10:00 AM
SITE ADDRESS:	601-9 W 59th St
SITE CODE:	0316675092
INSPECTOR:	Kelly
COUNTY:	COOK COUNTY/CHICAGO

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 8/14/03 TIME: 9:00 AM - 10:00
SITE: 601 - 09 W 59th INSPECTOR: Kelly
SITE CODE: C316675092 COUNTY: Cook/Chicago



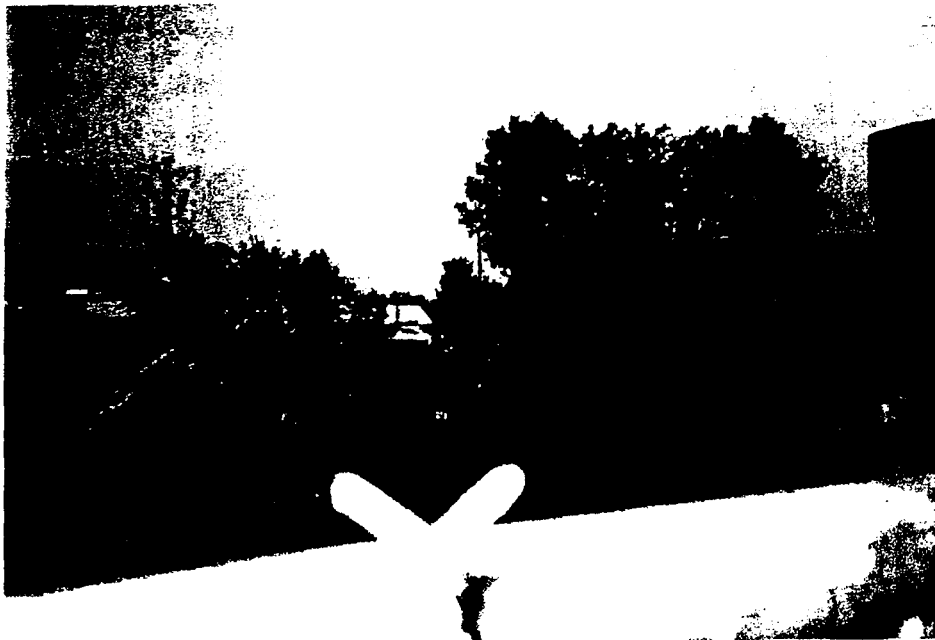
Roll #: 7174 Photo #: 1 Direction: S
Comments: waste tires + garbage on surface



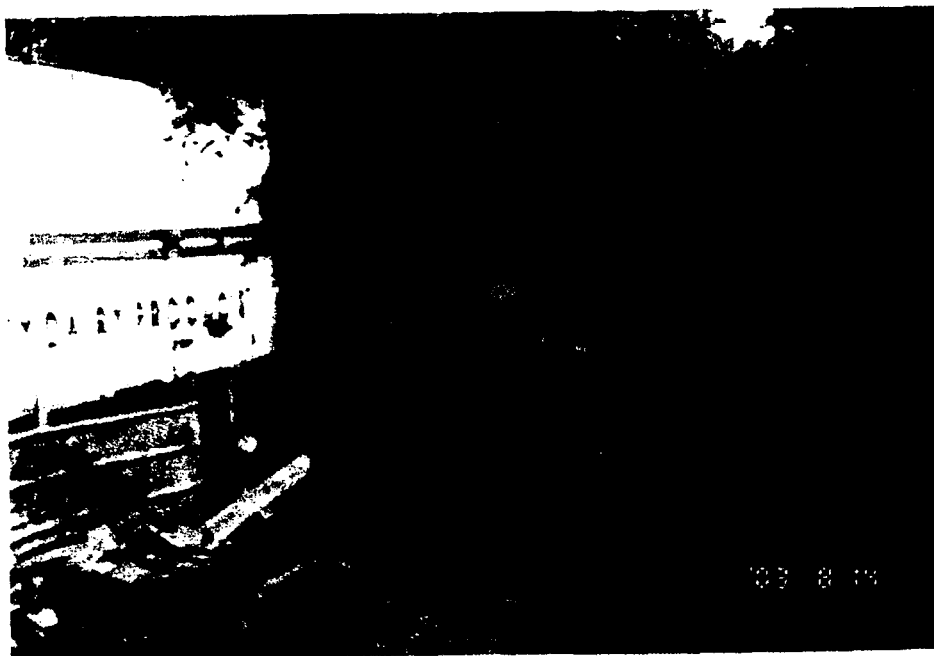
Roll #: 7174 Photo #: 2 Direction: W
Comments: large pile of debris + tires

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 8/14/03 TIME: 9:00 AM - 10:00 AM
SITE: 601-09 W 54th INSPECTOR: Kelly
SITE CODE: 0316675092 COUNTY: Cook/Chicago



Roll #: 7174 Photo #: 3 Direction: W
Comments: trench, near equipment, waste auto parts



Roll #: 7174 Photo #: 4 Direction: N
Comments: landscape waste, jly down and by way