



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>

November 16, 2004

RECEIVED
CLERK'S OFFICE

NOV 16 2004

STATE OF ILLINOIS
Pollution Control Board

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. AAA
Dollar Disposal, Inc.
AC: 05-37
CDOE No. 04-12-AC
Site Code: 0136255211

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 ("CDOE"), 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.

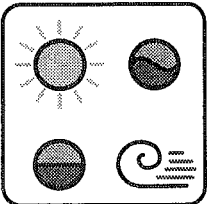
If you have any questions or concerns, please contact me at (312) 744-4018.

Sincerely,

Maggie Rice
Deputy Commissioner
CDOE Permitting and Enforcement Division

Encl.

Chicago



Department of
Environment



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

NOV 16 2004

STATE OF ILLINOIS
Pollution Control Board

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)
)
Complainant,)
)
v.)
)
AAA DOLLAR DISPOSAL, INC.)
)
)
Respondent.)

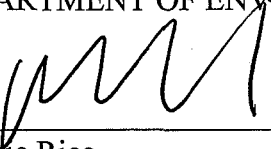
SITE CODE: 0136255211
AC 05-37
(CDOE No. 04-12-AC)

NOTICE OF FILING

To: Carolyn Donoval
1410 South Clinton
Chicago, IL 60607
(Registered agent for AAA Dollar Disposal, Inc.)

PLEASE TAKE NOTICE that on 11/16/04, 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: 
Maggie Rice
Deputy Commissioner
Permitting and Enforcement Division

NOV 16 2004

STATE OF ILLINOIS
Pollution Control Board

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)
)
Complainant,)
)
v.)
)
AAA DOLLAR DISPOSAL, INC.)
)
Respondent.)

AC 05-37
(CDOE No. 04-12-AC)
SITE CODE: 0136255211

ADMINISTRATIVE CITATION

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

Facts

For this Administrative Citation to AAA Dollar Disposal, Inc. ("**DISPOSAL**") 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) (2004). CDOE is thus a "delegated unit" and may issue administrative citations under 35 Ill. Adm. Code 108.200.
2. Respondent **DISPOSAL** engages in waste disposal activities and is a registered Illinois corporation doing business in Illinois.
3. On September 21, 2004, CDOE Investigator, Lafayette Robertson, inspected the site located approximately at 4724 West Harrison Street. A copy of his inspection report is attached as Exhibit 1 and made a part of this Administrative Citation. Investigator Robertson observed litter and piles of clean and general construction and demolition debris. The general construction and demolition debris and litter included but was not limited to piles containing soil, concrete, and bricks. Pictures of these piles are contained in Exhibit 1 and labeled "Photo #5" and "Photo #3." Investigator Robertson further observed a truck with a "AAA Dollar Disposal" logo on the door arrive at the site and deposit a dumpster also labeled "AAA Dollar Disposal." On prior dates, Investigator Robertson spoke with DISPOSAL agent, Steven Dukatt, who admitted that DISPOSAL caused general construction and demolition debris and litter to be

deposited at the site.

4. Based upon direct observations made by Investigator Robertson 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) (2004).

b. Respondent caused or allowed deposition of general construction or demolition debris in violation of Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i) (2004).

5. Investigator Robertson'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 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.**

any interest accrued. In that event you may also be liable for court costs.

Date: November 16, 2004

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.)
AAA DOLLAR DISPOSAL, INC.)
)
Respondent.)

AC _____
(CDOE No. 04-12-AC)
SITE CODE: 0136255211

REMITTANCE FORM

FACILITY/PROPERTY: _____ SITE CODE: 0136255211
COUNTY: Cook CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: 09/21/2004 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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT,

Complainant,

v.

AAA DOLLAR DISPOSAL, INC.

Respondent.

AC _____
(CDOE No. 04-12-AC)
SITE CODE: 0136255211

AFFIDAVIT

State of Illinois)
County of Cook) ss.:

Affiant, Investigator Lafayette Robertson, being duly sworn, voluntarily deposes and states as follows:

- 1. At all times relevant to the above-captioned Administrative Citation, the City of Chicago Department of Environment employed Affiant as a senior environmental investigator.
2. On September 21, 2004 approximately between 4:00 p.m. and 5:30p.m., Affiant conducted an inspection of the property approximately located at 4724 West Harrison Street in Chicago, Illinois. Affiant's onsite inspection included canvassing the site, walking on the site, and photographing the site.
3. In connection with these inspections, 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.

FURTHER AFFIANT SAYETH NAUGHT.


Lafayette Robertson
Lafayette Robertson

Subscribed and sworn before me
This 16th day of Nov, 2004.

Karen A. Jackson
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

OCT 05 2004


County: COOK, CHICAGO LPC#: 0316255211 Region: 2

Location/Site Name: 4724-50 W. Harrison St.

Date: 9-21-04 Time: From 4:00P.M. To 5:30P.M. Previous Inspection Date: 05-1-03

Inspector(s): L. ROBERTSON Weather: Clear ,Sunny

No. of Photos Taken: # 11 Est. Amt. of Waste: 100 yds³ Samples Taken: Yes# No X

Interviewed: Wojciech L. Wiacek [Driver] Complaint #:

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

Operator: AAA Dollar Disposal
4724 W. Harrison St .
Chicago ,IL. 60644 [yard]

Office: AAA Dollar Disposal
2415 N. Mannheim Rd.
Franklin PK, IL.60131
Ph#773-227-6500/866-441-2222

	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	
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	
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

L. Robertson

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.

City of Chicago
Department of Environment
Narrative

Date:09-21-04
Site:4724 W. Harrison St.
Site Code:0136255211

Time:4:00p.m.-5:30p.m.
Investigators: L. Robertson
County: Cook-Chicago

In Summary: Investigator monitored the above site address for fly dumping and illegal transfer station activity.

- History :The above address was cited for the same illegal activity on 05-0-03 .
- The owner of the site is Mr. Dukatt/866-441-2222/773-227-6500 .
- At the time of my surveillance I observed a truck logo as AAA Dollar disposal unloading garbage from the truck into the above site . See photo 6&8.
- Also during my inspection of the interior and exterior of the site I observed dumped construction waste debris approximately 100 cubic yards.
- I issued two N.O.V. to the driver later ID's as Wojciech L. Wiacek for the following Municipal and State code violations.11-4-250,11-4-1500,7-28-080,& 7-28-440. The hearing date is pending for 10-28-04

See the attachments .

I, L. ROBERTSON, 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.

22
Insp. #

L. Robertson
Signature

Lpc #0316255211

09-21-04

4724-50 W. HARRISON ST.

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.

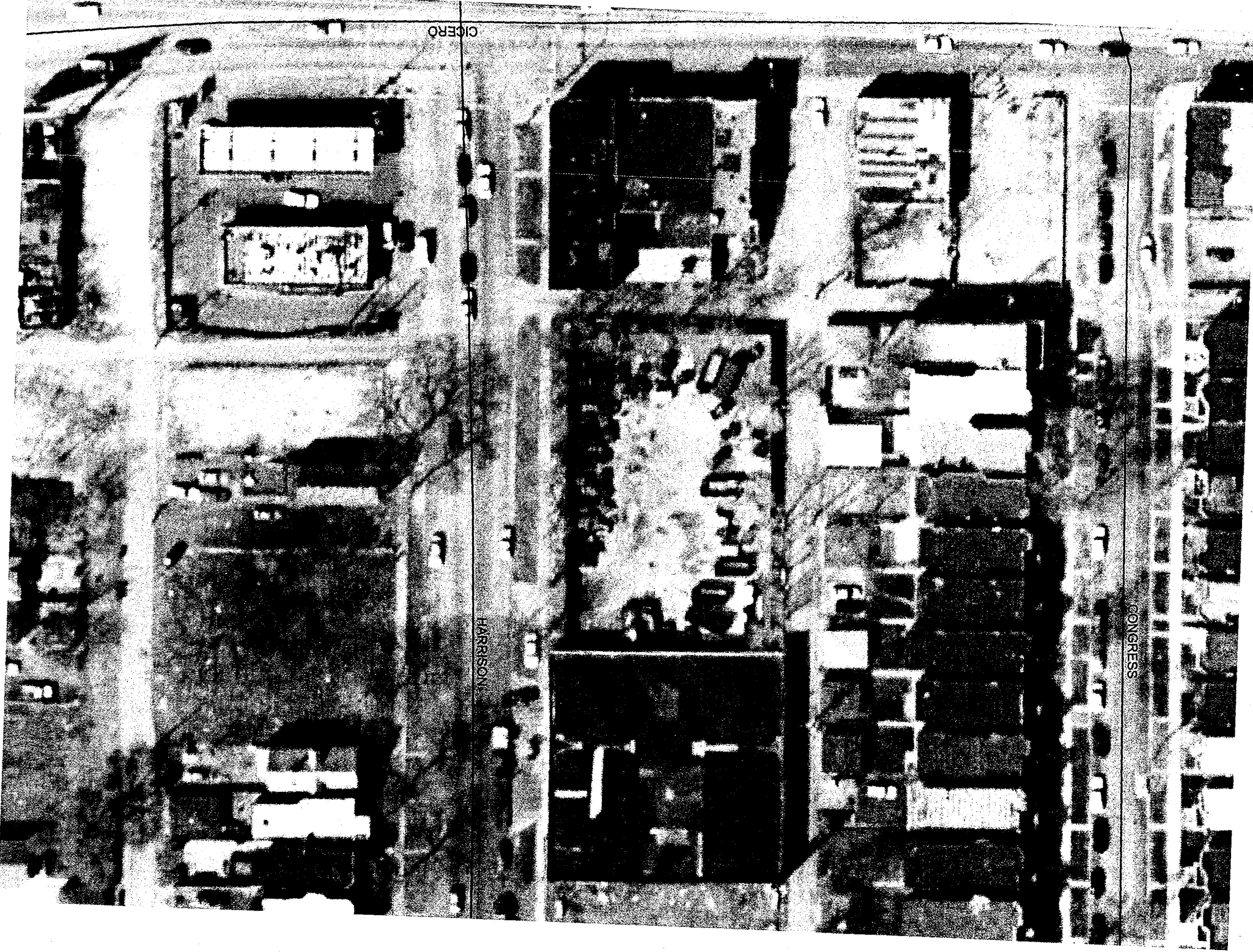
21(P)(7) DEPOSITION OF GENERAL CONSTRUCTION OR DEMOLITION DEBRIS ; OR CLEAN CONSTRUCTION OR DEMOLITION DEBRIS .

55 (a) No Person Shall: CAUSE OR ALLOW OPEN DUMPING OF ANY USED OR WASTE TIRE.

CIPERO

HARRISON

CONGRESS



**CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS**

Date:09-21-04

Site:4724-50 W. Harrison St .

Site code:0136255211

Time:4:00P.m.-5:30p.m.

Investigator: L. Robertson

County: Cook-Chicago



Roll#7795Photo# 1 Direction SW.

Comments: Photo of the above site address, looking at dumped concrete stone near the fence of the site .



Roll# 7795 Photo#2 Direction SE

Comments: Interior view of yard area looking at brick and dumped tires near gate.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date:09-21-04

Site:4724-50 W. Harrison St .

Site code:0136255211

Time:4:00P.m.-5:30p.m.

Investigator: L. Robertson

County: Cook-Chicago



Roll#7795Photo# 3 Direction SW.

Comments: Photo of the above site address, looking at dumped construction waste debris on the site .



Roll# 7795 Photo#4Direction SE

Comments: Interior view of yard area looking at bricks dumped on the site.

**CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS**

Date:09-21-04

Site:4724-50 W. Harrison St .

Site code:0136255211

Time:4:00P.m.-5:30p.m.

Investigator: L. Robertson

County: Cook-Chicago



Roll#7795Photo# 5 Direction SW.

Comments: Photo of the above site address, looking at dumped construction waste debris on the site .



Roll# 7795 Photo#6 Direction N

Comments: Interior view of yard area looking at unloading of garbage loaded boxes .

**CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS**

**Date:09-21-04
Site:4724-50 W. Harrison St .
Site code:0136255211**

**Time:4:00P.m.-5:30p.m.
Investigator: L. Robertson
County: Cook-Chicago**



Roll#7795Photo# 7 Direction SW.

Comments: Photo of the above site address, looking at dumpster fill garbage and rain water.



Roll# 7795 Photo#8 D

Comments: Interior view of yard area looking at unloading of garbage loaded boxes .