

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO)
DEPARTMENT OF ENVIRONMENT,)
)
Complainant,)
v.)
)
CRYSTAL IL 98, L.L.C.,)
)
Respondent.)

AC 08-17

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STATE OF ILLINOIS
Pollution Control Board

STIPULATION OF SETTLEMENT AND DISMISSAL
OF RESPONDENT'S PETITION FOR ADMINISTRATIVE REVIEW

The Complainant, the City of Chicago Department of Environment ("CDOE"), by its attorney, Mara S. Georges, Corporation Counsel, and the Respondent, Crystal IL 98, L.L.C. ("Crystal"), by its attorney, Glenn C. Sechen, hereby enter into this "Stipulation of Settlement and Dismissal of Respondent's Petition for Administrative Review" ("Agreement"), and request that the Board enter an order consistent with the terms of this Agreement. In support of this request, the parties respectfully state as follows:

1. On December 27, 2007, Leonard Casken, a CDOE inspector, conducted an inspection of a facility operated by Crystal. The facility is located at 1300 West 35th Street in Chicago, Cook County, Illinois.

2. On or about February 20, 2008, CDOE served Crystal with an administrative citation, alleging therein that Crystal had caused or allowed open dumping at its facility, in a manner which resulted in the following occurrences: (1) litter, in violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1); (2) deposition of waste in standing or flowing waters, in violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4); and (3) deposition of general construction and demolition debris, in violation of Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i).

3. On or about March 27, 2008, Crystal filed a Petition for Review contesting the administrative citation.

4. In an effort to resolve this matter without the need for a hearing, and as a full and final resolution of the matters addressed in this administrative citation, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Crystal contends that while its facility was closed for the Holidays, substantial amounts of material was deposited in and around its dumpsters by persons or persons unknown. That material was blown about by the wind, some of it landing in the adjacent waterway. To that extent, Crystal caused or allowed open dumping resulting in litter, in violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1), and deposition of waste in standing or flowing waters, in violation of 415 ILCS 5/21(p)(4), and agrees to pay the statutory civil penalty of \$3,000.00 pursuant to 415 ILCS 5/42(b)(4-5). Crystal makes no other representation or admission of any fact or circumstance in connection with this matter.
- b. Crystal agrees to pay the statutory civil penalty within thirty (30) days of entry of the final order in this case.
- c. Crystal agrees to diligently comply with, and shall cease and desist from further violation of, the Act, 415 ILCS 5/1 et seq., and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.
- d. Crystal agrees to erect a permanent fence along the perimeter of its facility, or otherwise located so as to prevent debris from its facility being blown into the Chicago River, by no later than thirty (30) days after entry of the final order in

this case.

- e. In consideration of Crystal's cooperation regarding the violations of 415 ILCS 5/21(p)(1) and (4), Crystal having cleaned up the litter at its facility underlying the violation of 415 ILCS 5/21(p)(1), and Crystal's agreement to pay the penalty and to erect a fence as described above, CDOE agrees to dismiss its citation with respect to the alleged violation of 415 ILCS 5/21(p)(7)(i).
- f. Contingent upon the Board's acceptance and adoption of the terms and conditions of this Agreement, Crystal's petition for review shall be dismissed.

WHEREFORE, the parties request that the Board accept this Agreement and issue an order consistent with its terms and conditions.

Respectfully submitted,

CHICAGO DEPARTMENT OF
ENVIRONMENT

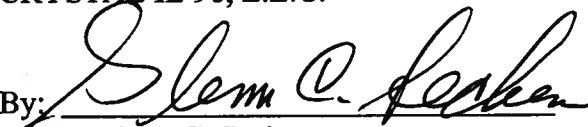
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