



City of Chicago
Richard M. Daley, Mayor

Department of Environment

Sandra A. Tomasetto
Commissioner

Twenty-Fifth Floor
30 North La Salle Street
Chicago, Illinois 60602-2575
(312) 744-3900 (Voice)
(312) 744-6454 (Fax)
(312) 344-3580 (TTY)
<http://www.cityofchicago.org>

May 28, 2006

ELECTRONIC FILING, RECEIVED, CLERK'S OFFICE,
MAY 30, 2006
AC 2006-046

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.
Mr. Bull's Inc.
AC:
CDOE No. 06-04AC
Site Code: 0136005603

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 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) 744-5272.

Sincerely,

John F. Kryl, CHMM
Director of Investigations
CDOE Permitting and Enforcement Division

Encl.



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT,)
)
)
Complainant,)
)
v.)
)
MR. BULT'S, INC.)
)
Respondent.)


Site Code: 0316005603
AC _____
(CDOE No. 06-04-AC)

NOTICE OF FILING

To: Mr. Bult's Inc.

PLEASE TAKE NOTICE that on 5/25/06 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: 
John F. Kryl, CHMM
Director of Investigations
CDOE Permitting and Enforcement Division

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)
)
Complainant.)
)
v.) Site Code: 0316005603
) AC
) (CDOE No. 06-04AC)
MR. BULT'S, INC.)
)
Respondent.)

ADMINISTRATIVE CITATION

<u>Violation:</u>	<u>Civil Penalty:</u>
415 ILCS 5/21(p)(1)	\$1,500.00
TOTAL:	\$1500.00

Facts

For this Administrative Citation to Mr. Bult's, Inc. ("Bult's"), 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 Bult's is an Illinois corporation doing business in Cook County, Illinois. Bult's operates a waste hauling company that transfers waste from Liberty Waste Transfer Station located at 2040 E. 106th Street, Chicago, Illinois. The registered agent for Bult's is Ms. Pearl Bult.
3. On April 4, 2006 at approximately 7:00 p.m., while exiting Liberty Waste Transfer Station, CDOE environmental inspector Fred Roseman was driving behind an outgoing transfer trailer. Mr. Roseman observed that MBI was marked on the door of the truck #383 and the truck trailer #371 had license plate number #12757ST.
4. Mr. Roseman witnessed litter being blown from the trailer and observed the trailer was not tarped. A copy of Mr. Roseman's report and his affidavit are attached and made part of this Administrative Citation.

5. MBI is an acronym for Mr. Bull's, Inc.

6. Based upon direct observations made by Mr. Roseman during the course of his inspections, CDOE has determined that Respondent violated the Act. 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 I.C.S. 5/21(p)(1) (2005).

7. Based upon the foregoing facts, under Section 42(b)(4-5) of the Act, 415 I.C.S. 5/42(b)(4-5) (2004), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for the violation identified above, for a total civil penalty of **One Thousand Five Hundred Dollars (\$1,500)**.

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) (2005), 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: 5/23/06

By:

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT


Sadhu A. Johnston

Commissioner

Department of Environment

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT.)

Complainant.)

v.)

MR. BULL'S, INC.)

Respondent.)

) Site Code: 0316005603


) AC _____
(CDOE No. 06-04AC)

AFFIDAVIT

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

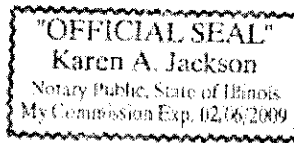
Affiant, Fred Roseman, being duly sworn, voluntarily deposes and states as follows:

1. At all times relevant to the above-captioned Administrative Citation, Affiant was employed as an environmental inspector by the City of Chicago Department of Environment.
2. On April 4, 2006 between 6:40 pm and 7:00 pm, Affiant conducted an inspection of Liberty Waste Transfer Station, located at 2040 E. 106th Street, Chicago, Illinois.
3. Affiant conducted an onsite inspection, which included walking around the site, photographing the site, and following a transfer trailer leaving the site.
4. In connection with this inspection and subsequent conversation, 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.


Fred Roseman

Subscribed and sworn before me
This 25th day of May, 2006.


Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Transfer Station Inspection Checklist

APR 24 2006

County: COOK / CHICAGO LPC# 0316005603 Region: 2 / DES PLAINES
 Location/Site Name: 2040 E. 106th St / LIBERTY WASTE (CALUMET)
 Date: 04-04-06 Time: From 6:40 PM To 7 PM Previous Inspection Date: 03-08-06
 Inspector(s): ROSEMAN (CNOE) Weather: WARM, CLEAR & WINDY
 No. of Photos Taken: # 5 Samples Taken: Yes # No
 Interviewed: Facility Phone No.:

Permitted Owner Mailing Address

Permitted Operator Mailing Address

JIM LAGRENZA
 ALLIED WASTE
 2400 S. LOOMIS
 CHICAGO, IL 60608

2040 E. 106th St.
 CHICAGO, IL 60617

AUTHORIZATION:

1. OP Permit

2. Unpermitted:

SECTION	DESCRIPTION	VIOL.
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1. 9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2. 9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3. 12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4. 12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5. 21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6. 21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1) Without a Permit or in Violation of Any Conditions of a Permit (See Permit Provisions)	<input checked="" type="checkbox"/>
	(2) In Violation of Any Regulations or Standards Adopted by the Board	<input type="checkbox"/>
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	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>
	(3) Open Burning	<input type="checkbox"/>
9. 21.6(a)	KNOWINGLY MIX LIQUID USED OIL WITH MUNICIPAL WASTE FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
10. 22.14	SETBACK REQUIREMENTS	<input type="checkbox"/>
11. 22.22(a)	KNOWINGLY MIX LANDSCAPE WASTE FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>

LPC#: 0316005603

Inspection Date: 01/04/06

12.	22.23(f)	KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF ANY LEAD-ACID BATTERY IN A LANDFILL	<input type="checkbox"/>
13.	22.28(a)	COLLECT WHITE GOODS FOR THE PURPOSE OF DISPOSAL BY LANDFILLING	<input type="checkbox"/>
14.	55(b)(1)	KNOWINGLY MIX ANY USED OR WASTE TIRES, EITHER WHOLE OR CUT, WITH MUNICIPAL WASTE	<input type="checkbox"/>
15.	56.1	NO PERSON SHALL:	
	(b)	Cause or Allow the Delivery of Any Potentially Infectious Medical Waste for Transport, Storage, or Transfer Without Proper Packaging	<input type="checkbox"/>
	(d)	Cause or Allow the Delivery or Transfer of Any Potentially Infectious Medical Waste for Transport Without Permits and/or Manifests	<input type="checkbox"/>
	(e)	Cause or Allow the Acceptance of Any Potentially Infectious Medical Waste for Purposes of Transport, Storage or Transfer Without Proper Packaging and Storage	<input type="checkbox"/>
	(g)	Cause or Allow Any Potentially Infectious Medical Waste Storage or Transfer Without a Permit	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	807.201	CAUSING OR ALLOWING THE DEVELOPMENT OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	<input type="checkbox"/>
18.	807.202	CAUSING OR ALLOWING THE USE OR OPERATION OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	<input type="checkbox"/>
	(a)	OPERATING A SITE WHICH REQUIRES A DEVELOPMENTAL PERMIT	<input type="checkbox"/>
	(b)	OPERATING A SITE WITH OUT A PERMIT OR NOT SUBMITTING A PERMIT 90 PRIOR TO THE DATE ON WHICH SUCH PERMIT IS REQUIRED	<input type="checkbox"/>
	(c)	PERMITS HAVE EXPIRED PRIOR TO SITE COMPLETION OR CLOSURE, OR HAVE BEEN REVOKED	<input type="checkbox"/>
19.	807.210	SUPPLEMENTAL PERMITS	<input type="checkbox"/>
20.	808.121(a)	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
21.	809.301	REQUIREMENTS FOR DELIVERY OF SPECIAL WASTE TO HAULERS	<input type="checkbox"/>
22.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE HAULER WITHOUT A WASTE HAULING PERMIT AND/OR MANIFEST	<input type="checkbox"/>
23.	809.501	MANIFESTS, RECORDS, ACCESS TO RECORDS, REPORTING REQUIREMENTS AND FORMS	
	(a)	Delivery of Special Waste to Hauler	<input type="checkbox"/>
	(e)	Retention of Special Waste Manifests	<input type="checkbox"/>



CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PERMITTING AND ENFORCEMENT

NARRATIVE EVALUATION

INSPECTION DATE: 4/4/2006
SITE NAME: Liberty Waste
SITE ADDRESS: 2040 E 106TH ST
SITE CODE: 0316005603

TIME: PM 06:40
EMPLOYEE: Fred Roseman
COUNTY: Cook / Chicago

SUMMARY

Site: Transfer station monitored due to previous violations of their operating permit.

Conditions: Area of tip floor not clearly marked for receiving loads that may contain Blue Bags (see Photo #2 of tip floor Blue Bag area) ;violation of Permit special condition #7a.

All waste handling activities not conducted under roof on a paved surface (see Photo #1 of C&D debris) ;violation of Permit special condition #11.

Secondary containment not provided for all tanks containing liquid materials (see Photo #4 of diesel AST) ;violation of Permit special condition #12

Litter was not promptly removed and disposed of (see Photo #3 of littered fence line next to tip floor) ;violation of Permit special condition #23.

*Departing the facility, I was driving behind outgoing (MBI truck) trailer #371 (license plate #125757). Debris was evidently escaping from the trailer and blowing into the air (see Photo #5 of airborne debris above trailer). At a stop sign, I was able to verify that the trailer was not tarped; violation of Permit special condition #32.

I contacted C. Hoeksema (site supv.) and informed him this particular violation. I advised him that the facility would be held liable for these types of violations as it was a condition of their Operating Permit.

REPORT COMPLETED ? YES NO

NOV ISSUED ? YES NO

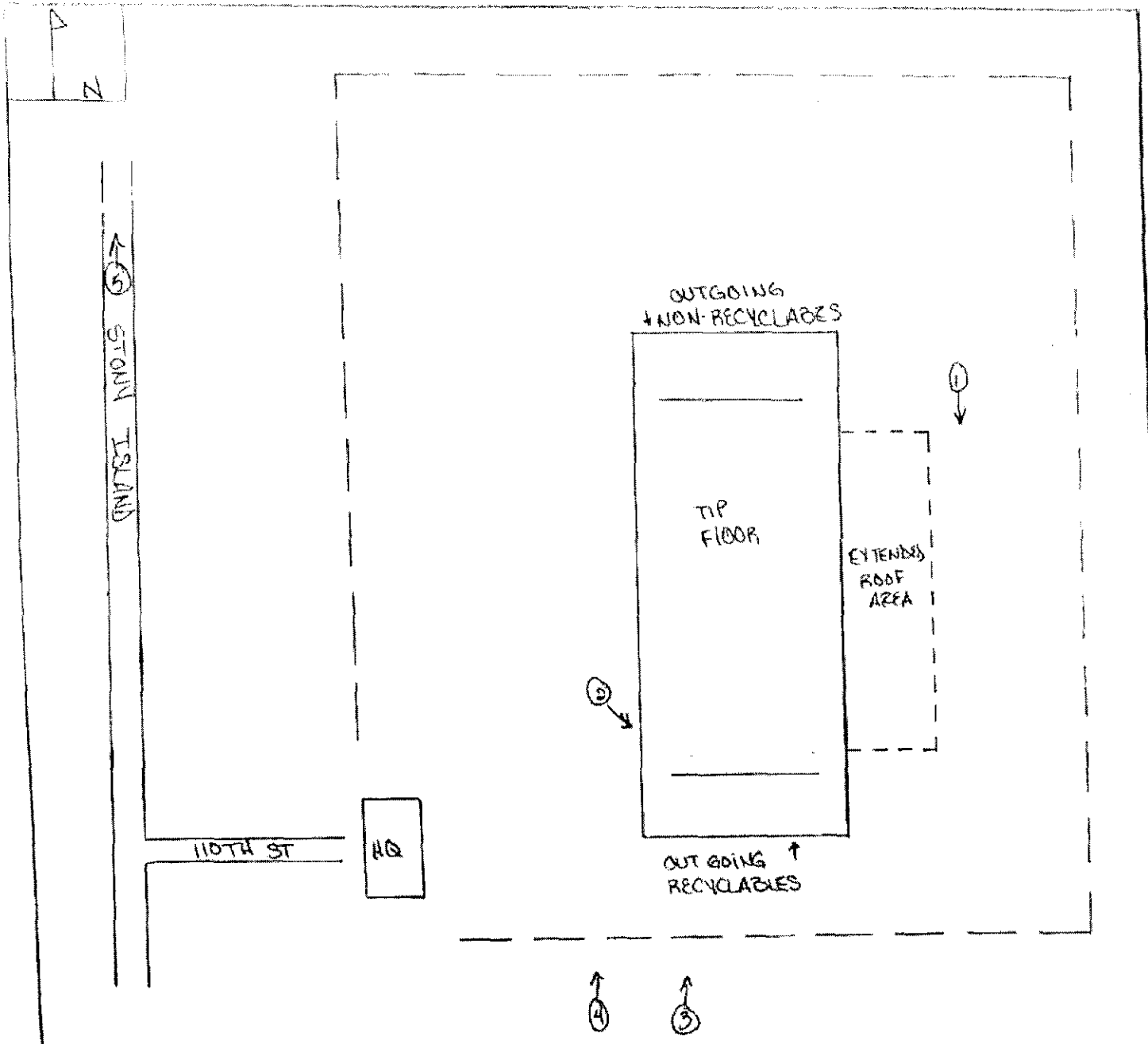
INVESTIGATION COMPLETED ? YES NO

ATTACHMENTS ? YES NO

I, Fred Roseman 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.

77
STAR #

SIGNATURE



Not to Scale
 All Boundaries are Approximate



SITE SKETCH

CITY OF CHICAGO
 DEPARTMENT OF ENVIRONMENT
 FIELD OPERATIONS DIVISION

DATE:	01-01-06
TIME:	6:40-7 PM
SITE ADDRESS:	2010 E. 106th St.
SITE CODE:	036005603 / LIBERTY WASTE
INSPECTOR:	ROSEMAN
COUNTY:	COOK COUNTY/CHICAGO

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 04-04-06

Site: 2040 E. 106th St.

Site Code: 0316005603/Liberty Waste (Calumet)

Time: 6:40-7 PM

Inspector: Roseman

County: Cook

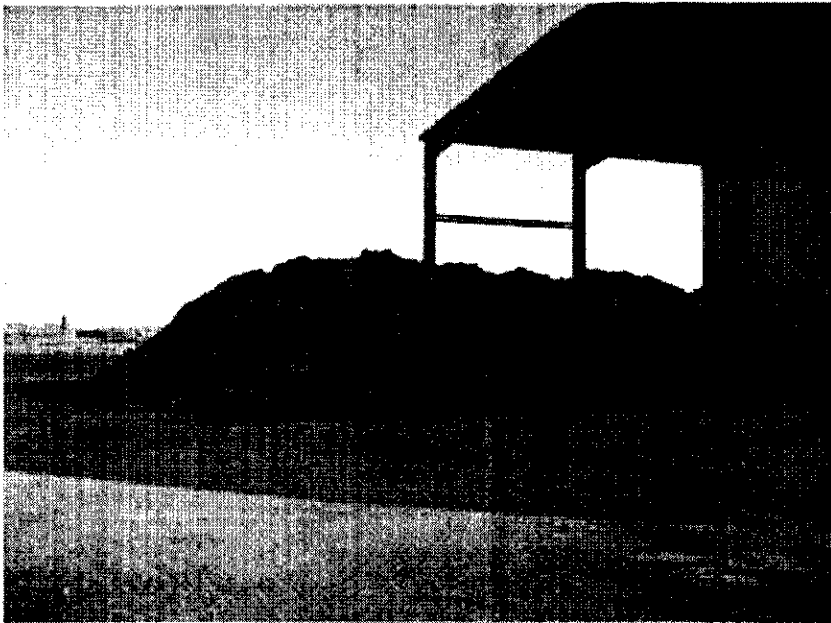


Photo # 1 Direction S
Comments: MATERIALS EXTENDING OUT ROOFED AREA

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 04-04-06

Site: 2040 E. 106th St.

Site Code: 0316005603/Liberty Waste (Calumet)

Time: 6:40-7 PM

Inspector: Roseman

County: Cook



Photo # 2 Direction ESE
Comments: Area of LP floor for Blue Gas, NOT clearly marked

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 04-04-06

Site: 2040 E. 106th St.

Site Code: 0316005603/Liberty Waste (Calumet)

Time: 6:40-7 PM

Inspector: Roseman

County: Cook

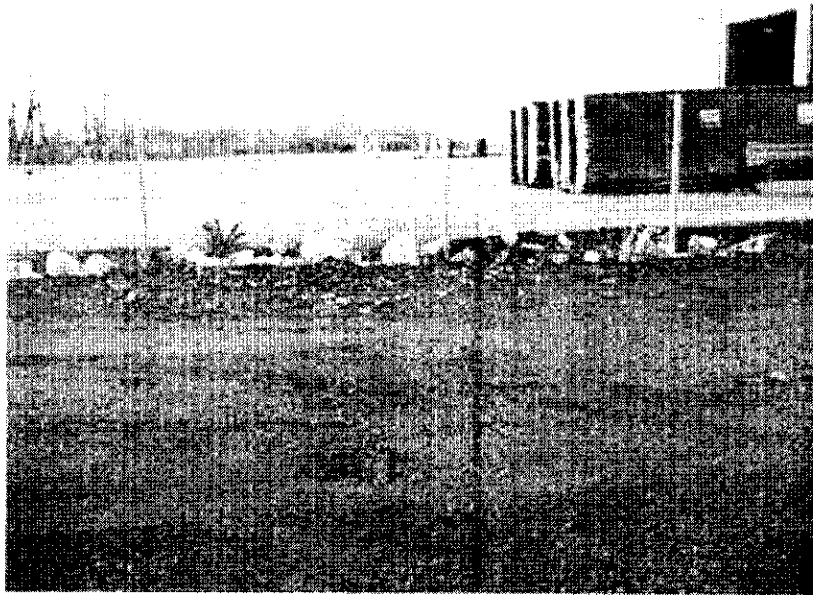


Photo # 3 Direction N

Comments: Substantial litter collected against fence

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 04-04-06

Site: 2040 E. 106th St.

Site Code: 0316005603/Liberty Waste (Calumet)

Time: 6:40-7 PM

Inspector: Roseman

County: Cook

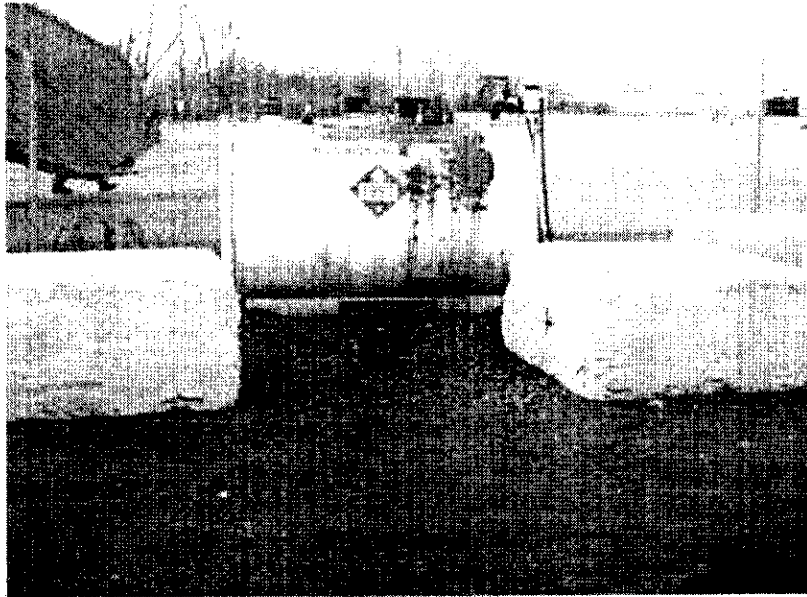


Photo # 4 Direction N
Comments: AST w/o secondary containment

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 04-04-06
Site: 2040 E. 106th St.
Site Code: 0316005603/Liberty Waste (Calumet)

Time: 6:40-7 PM
Inspector: Roseman
County: Cook

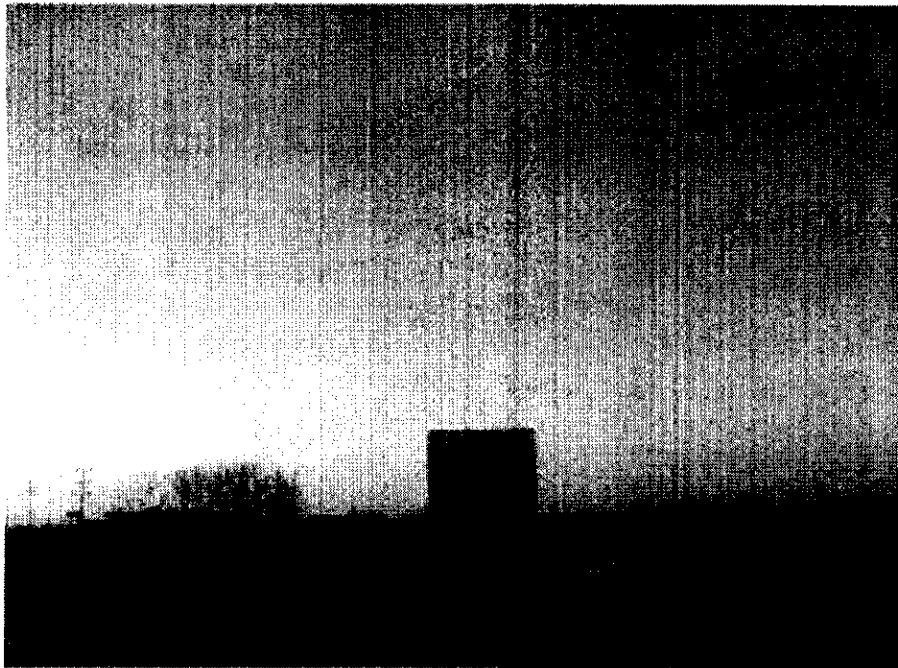


Photo # 5 Direction N
Comments: UNHARDED OUTGOING TRANSFER VEHICLE - MATERIALS VISIBLE,
BEING INTO THE AIR

APPARENT STATE VIOLATIONS

21(a) CAUSE OR ALLOW OPEN DUMPING

21(d) CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:

(1) Without a Permit or in Violation of Any Conditions of a Permit (See Permit Provisions)

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

LPC# 0316005603

04/04/2006

MUNICIPAL CODE VIOLATIONS

7-28-060 Conditions Detrimental to Health

7-28-080 Nuisance in connection with business

11-4-250 Waste Handling Facilities- Permit Required