



City of Chicago
Richard M. Daley, Mayor

Department of Environment

Sadhu A. Johnston
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>

September 6, 2006

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. Bult's Inc.
Site Code: 0136005603

Dear Clerk Gunn:

Enclosed for electronic filing with the Illinois Pollution Control Board is 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) 744-7235.

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 _____

NOTICE OF FILING

To: Mr. Bult's Inc.

PLEASE TAKE NOTICE that on 9/4/06, 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,)	
)	Site Code: 0316005603
v.)	AC _____
)	
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 July 17, 2006 at approximately 5:34 p.m., while monitoring the exit of Liberty

Waste Transfer Station, CDOE environmental inspector Fred Roseman witnessed a truck leaving the facility and witnessed litter, dust and dirt being blown from the truck's trailer. The truck's trailer was not tarped.

4. Mr. Roseman observed that MBI and #982 were marked on the door of the truck, and the truck trailer was marked #630 and had license plate #199970ST. 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. Bult'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 ILCS 5/21(p)(1) (2005).

7. 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 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: 9/5/06

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
By: Sadhu A. Johnston
Sadhu A. Johnston
Commissioner
Department of Environment

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

Site Code: 0316005603
AC _____

AFFIDAVIT

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

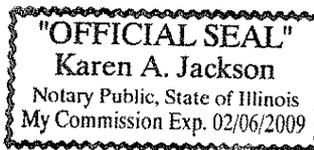
Affiant, Fred Roseman, being duly sworn, voluntarily deposes and states as follows:

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 July 17, 2006 between 5:00 pm and 6:30 pm, Affiant was monitoring the exit to Liberty Waste Transfer Station, located at 2040 E. 106th Street, Chicago, Illinois.
3. While monitoring the exit to the site, Affiant saw litter blow from an MBI truck trailer that contained municipal waste. The truck's trailer was not tarped.
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 5th day of Sept, 2006.


Notary Public

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

Site Code: 0316005603
AC _____

REMITTANCE FORM

FACILITY/PROPERTY: _____ SITE CODE: 0316485103
COUNTY: Cook CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: 07/17/2006 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
PERMITTING AND ENFORCEMENT**

Handwritten: AUG 29 2006

NARRATIVE EVALUATION

INSPECTION DATE: 07-17-06

TIME: 5-6:30 PM

SITE NAME: Liberty Waste (Calumet)

EMPLOYEE: Roseman

SITE CODE: 0316005603

SITE ADDRESS: 2040 E. 106th St

COUNTY: Cook / Chicago

SUMMARY

Site: Transfer station monitored due to previous violations, including loaded transfer vehicles leaving the facility without tarped trailers. This was a permit violation and had previously been documented to cause litter to exit trailers in transit on the public way.

Current conditions: At the facility entrance/exit, I watched outbound refuse vehicle traffic. At approx. 5:34 PM, MBI truck #982 (trailer # 630, trailer license #199970ST) exited the facility and it was visibly not tarped. Trailer contents were visible, protruding from the trailer top. The vehicle proceeded southbound on Stony Island Av. I began driving behind the vehicle and, within seconds, observed waste (paper) material becoming windborne and exiting the trailer. I also heard the sound of dirt, sand, or some similar substance striking my windshield. At no time did the driver stop to tarp the trailer.

This constituted a violation of the Facility's DOE transfer station operating permit, special condition #32 (sealing or tarping of transfer vehicles) and of MCC 11-4-770 Handling of materials susceptible to become windborne. NOV E00009083 13 (for the Code violation) to be mailed to the Facility. AH:09/21/06.

Report Completed ? YES NO

NOV Issued ? YES NO

Investigation Closed ? YES NO

Attachments ? YES NO

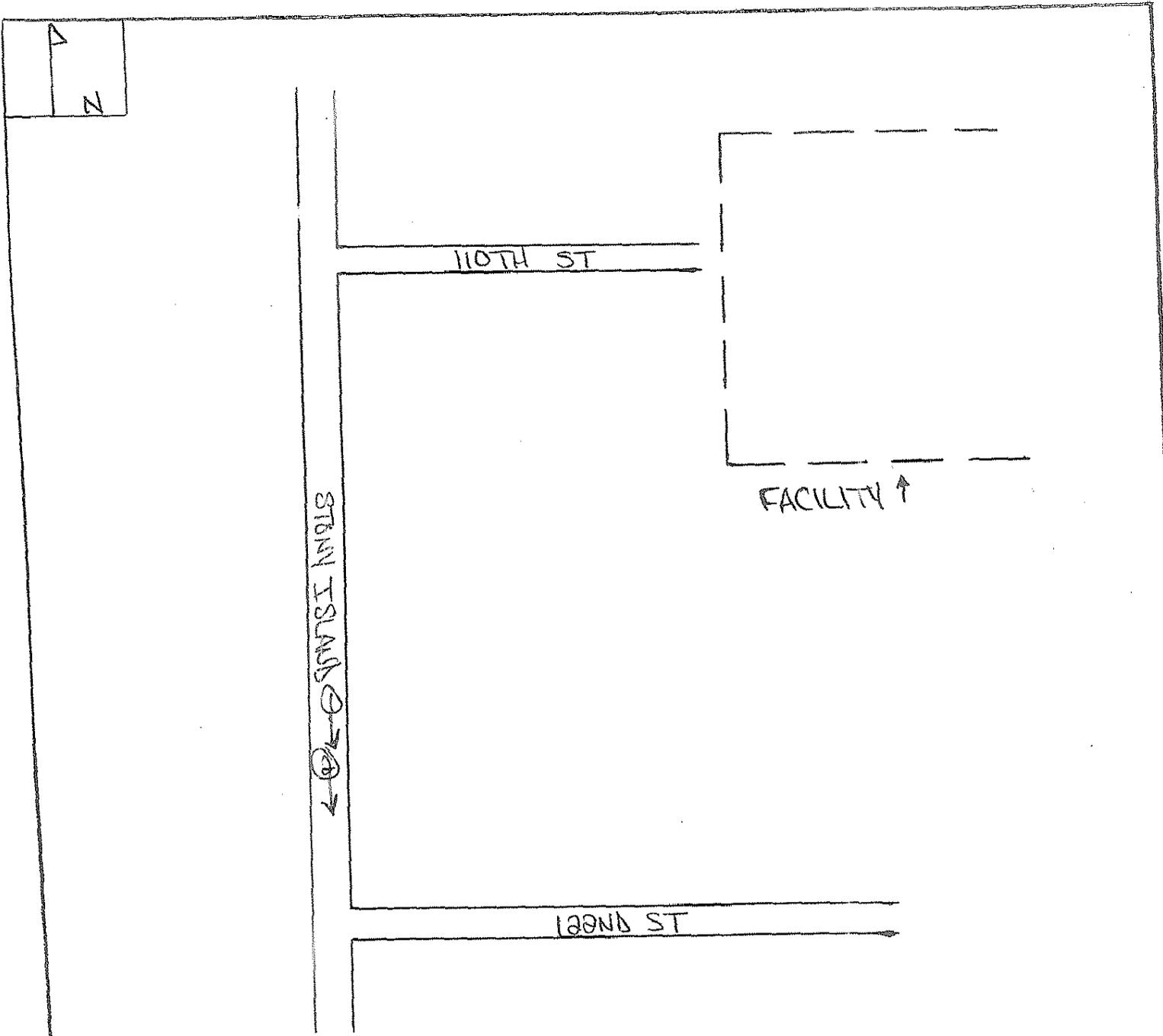
Referred To: Administrative Hearings

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:	07-17-06
TIME:	5-6 ³⁰ PM
SITE ADDRESS:	2040 E. 106th St / Liberty Waste
SITE CODE:	0316005603
INSPECTOR:	ROSEMAN
COUNTY:	COOK COUNTY/CHICAGO

**CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS**

Date: 07-17-06
Site: 2040 E. 106th St. / Liberty Waste (Calumet)
Site Code: 0316005603

Time: 5-6:30 PM
Inspector: Roseman
County: Cook

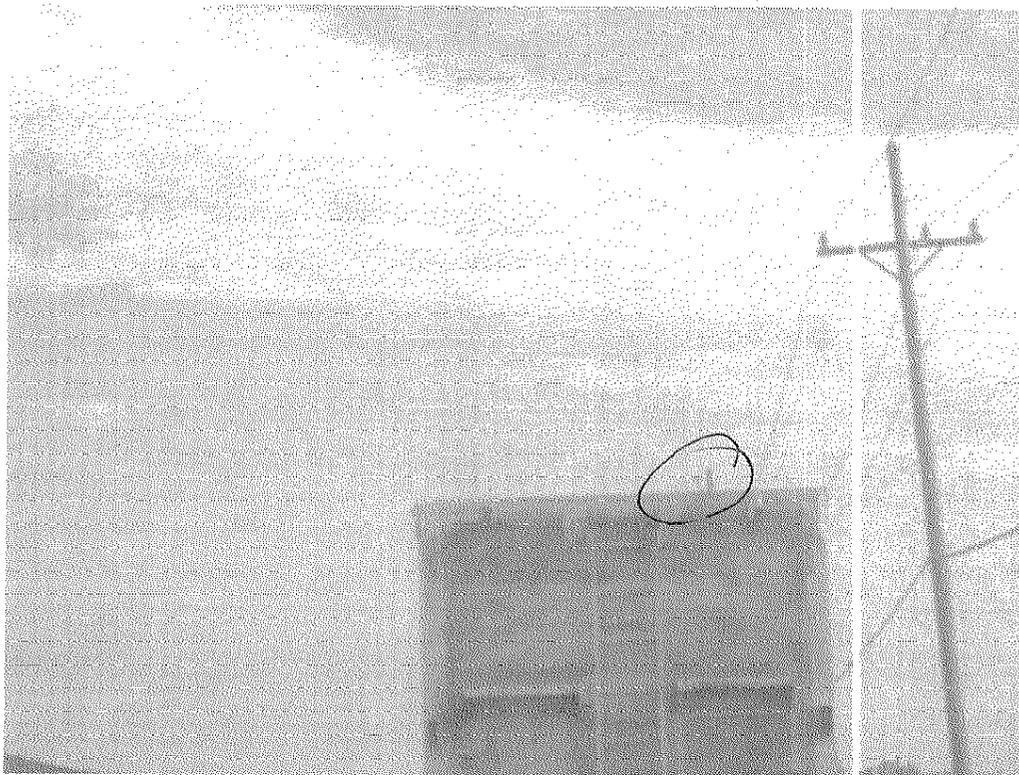


Photo # 1 **Direction** S
Comments: Waste material visibly protruding from unsecured trailer top, waste paper was blown out of the trailer at this time

**CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS**

Date: 07-17-06
Site: 2040 E. 106th St. / Liberty Waste (Calumet)
Site Code: 0316005603

Time: 5-6:30 PM
Inspector: Roseman
County: Cook



Photo # 2 **Direction** S
Comments: TRAILER INFORMATION
