

ELECTRONIC FILING, RECEIVED, CLERK'S OFFICE, NOVEMBER 21, 2006

***** AC 2007-025 *****



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>

November 20, 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.
1601-1759 East 130th Street, LLC
AC: _____
Site Code: 0316485103

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) 744-7235.

Sincerely,

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

Encl.



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***** AC 2007-025 *****

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)

Complainant,)

v.)

1601-1759 EAST 130th STREET, LLC)

Respondent.)

Site Code: 0316485103


AC _____

NOTICE OF FILING

To: 1601-1759 East 130th Street, LLC

PLEASE TAKE NOTICE that on 11/20/06, 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

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CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)

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v.)

1601-1759 EAST 130th STREET, LLC)

Respondent.)

Site Code: 0316485103

AC _____

ADMINISTRATIVE CITATION

Violation:

415 ILCS 5/21(p)(1)

415 ILCS 5/21(p)(7)(i)

Civil Penalty:

\$1,500.00

\$1,500.00

TOTAL: \$3,000.00

Facts

For this Administrative Citation to 1601-1759 East 130th Street, LLC ("Respondent"), 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 130th LLC is an Illinois limited liability corporation, and owner of the property located at 1601-1759 East 130th Street in Chicago, Cook County, Illinois (the "Site").

3. On October 3, 2006, Chicago Department of Environment Supervising Environmental Inspectors Stanley Kaehler and Lafayette Robertson inspected 1601 E. 130th Street, Chicago, Illinois (the "Site"). A gate secured the Site's entrance. Inspectors Kaehler and Robertson climbed a berm that runs along the property's boundary and saw approximately 200 cubic yards of general construction and demolition debris dumped on the Site.

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4. Based upon direct observations made by Mr. Kaehler 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) (2006).
 - b. Respondent caused or allowed the open dumping of waste in a manner resulting in 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)(2006).
5. Mr. Kaehler'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) (2006), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the five 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.**

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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) (2006), 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.

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Date: NOV 20 2006

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT

By: Sadhu A. Johnston (KA)
Sadhu A. Johnston
Commissioner
Department of Environment

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)

Complainant,)

v.)

1601-1759 EAST 130th STREET, LLC)

Respondent.)

Site Code: 0316485103

AC _____

AFFADAVIT

State of Illinois)

ss.:

County of Cook)

Affiant, Stan Kaehler, being duly sworn, voluntarily deposes and states as follows:

1. At all times relevant to the above-captioned Administrative Citation, Affiant was employed as a supervising environmental inspector by the City of Chicago Department of Environment.

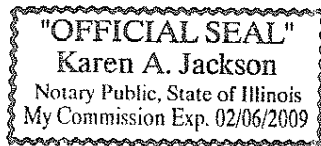
2. On October 3, 2006 between 12:30 p.m. and 1:00 p.m., Affiant was at 1601-1759 W. 130th Street, Chicago, Illinois. The gate to the Site was locked. By climbing a berm that runs along the property's boundary, Affiant was able to visually inspect the Site.

3. 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.

Stanley Kaehler
Stanley Kaehler

Subscribed and sworn before me
This 16th day of Nov, 2006.

Karen A. Jackson
Notary Public



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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)
)
Complainant,)
)
v.)
)
1601-1759 EAST 130th STREET, LLC)
)
)
Respondent.)

Site Code: 0316485103
AC _____
(CDOE No. 06-03-AC)

REMITTANCE FORM

FACILITY/PROPERTY: 1601-1759 W. 130th Street
Chicago, Illinois

SITE CODE: 0316485103

COUNTY: Cook

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: 10/03/2006

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

→ LRiley

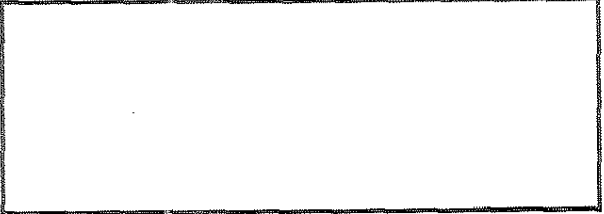
009/016

OCT 20 2006

County: Cook/Chicago LPC#: 0316485103 Region: 2 - Des Plaines
 Location/Site Name: 1601 E. 130th ST
 Date: 10/03/2006 Time: From 12:30P.M. To 1:00 P.M. Previous Inspection Date: 08/10/2006
 Inspector(s): S. Kaehler Weather: Sunny 65 degrees
 No. of Photos Taken: # 4 Est. Amt. of Waste: 500 yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: _____

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

Speedy Gonzalez Inc.
 C/O Dennis Winkler
 3051 Oak Grove Dr. Suite#220
 Downers Grove, IL. 60515



	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	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" 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	<input checked="" 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"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

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LPC # 0316485103

Inspection Date: 10/03/2006

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
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	<input type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- 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.
- 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.
- 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).
- Items marked with an "NE" were not evaluated at the time of this inspection.

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***** AC 2007-025 *****



CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PERMITTING AND ENFORCEMENT

NARRATIVE EVALUATION

INSPECTION DATE: 10/3/2006

TIME: PM 12:30

SITE NAME: Speedy Gonzales

EMPLOYEE: Stan Kaehler

SITE ADDRESS: 1601 E 130TH ST

SITE CODE: 0316485103

COUNTY: Cook / Chicago

SUMMARY

Investigator Kaehler and Investigator Robertson received a complaint alleging Speedy has dumped new C & D waste on the site. Upon arrival, we observed the site locked & secured. We canvassed the area for an opening to the site. We were able to view the waste piles over the C & D berm. There appears to be approx. 200 cubic yards of broken concrete and either asphalt waste or excavation debris. We were unable to gain access to the site at this time.

SITE CONDITIONS:

1. The site is partially secured by a C & D waste berm and a chain link fence. The berm consist of dirt, concrete, wood, metal & litter waste debris. There is a path where you can walk into the site between the berm & gate.
2. There are several waste piles scattered along the western area of this site. Waste piles consist of dirt, concrete, & asphalt waste (see photos #1, #2, #3 & #4).

REPORT COMPLETED ? YES NO

NOV ISSUED ? YES NO

INVESTIGATION COMPLETED ? YES NO

ATTACHMENTS ? YES NO

I, Stan Kaehler 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.

35

STAR #

S. Kaehler
SIGNATURE

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0316485103LIST OF APPARENT STATE VIOLATIONS10/03/2006

- 21 (a) Caused and allowed the open dumping of waste.
- 21 (d) (1) Conduct any waste- storage, waste-treatment, or a waste-disposal operation without a permit.
- 21 (d) (2) Conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or Standards Adopted by the Board.
- 21 (e) Causing or allowing the disposal, treatment, storage or abandonment of any waste or transport any waste into this State for disposal, treatment, storage or abandonment except at a site or facility, which meets the requirements of the Illinois Environmental Protection Act.
- 21 (p) (1) Causing, or allowing the open dumping of any waste in a manner, which results in litter at the dump site
- 21(p) (7) Deposition of General Construction or Demolition Debris: or Clean Construction or Demolition Debris

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***** AC 2007-025 *****0316485103ATTACHMENT "B"10/03/2006**MUNICIPAL VIOLATIONS:**

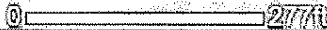
- | | |
|--|---|
| 7-28-440 - DUMPING ON REAL ESTATE WITHOUT A PERMIT | CAUSED and allowed the open dumping of debris on a vacant lot without obtaining the required permit. |
| 7-28-450 - OWNER RESPONSIBLE FOR REMOVAL/NUISANCE | Owner responsible for the removal or cause to be removed any debris placed on an unimproved lot. |
| 11-4-1500 - TREATMENT AND DISPOSAL OF SOLID OR LIQUID WASTE | CAUSED and allowed the improper disposal of construction debris and Municipal solid waste at an unpermitted facility. |
| 11-4-250 - WASTE HANDLING FACILITIES/ REQUIRED PERMIT | CAUSED and operated a waste disposal facility without first obtaining the required permit. |
| 7-28-080 - NUISANCE IN CONNECTION WITH BUSINESS | CAUSED and allowed a public nuisance from dumping waste debris on a storage lot adjacent to residential homes. |
| 7-28-720 Accumulation of Junk or Materials. | Respondent caused and allowed an accumulation waste on the ground. |

SITE: 1601 E. 130th ST
Respondent: Speedy Gonzalez Inc.
C/O Dennis Winkler
3051 Oak Grove Dr. Suite #220
Downers Grove, IL. 60515

ArcIMS HTML Viewer Map



City of Chicago, Richard M Daley, Mayor - Business and Information Services



Overview



Map and data are provided without warranty of any kind, expressed or implied. Business & Information Services - GIS

Division

Legend

<ul style="list-style-type: none"> CTA STATIONS CTA LINES Yellow Blue Joint Stations Purple Orange Green Brown Red 	<ul style="list-style-type: none"> METRA RAIL STATIONS METRA RAIL LINE COMMUNITY AREAS WARDS POLICE FACILITIES POLICE BEATS POLICE DISTRICTS IL HOUSE DISTRICTS IL SENATE DISTRICTS ZIPCODE CHICAGO PUBLIC SCHOOLS 	<ul style="list-style-type: none"> PARCELS SECTIONS SENIOR HOUSING RESOURCES Assisted Living Child Child/Adolescent Map Form Map Address Site Resource Office 	<ul style="list-style-type: none"> BUILDINGS HYDROLOGY PARKS CEMETERIES BOUNDARY ZONING District Commercial Manufacturing Residential Planned Development Planned Manufacturing
<ul style="list-style-type: none"> CURB EDGE STREETS 			

10-3-06
 1601 E. 138th ST.
 0316785103

12:30AM - 1:00AM
 S. Kachler
 Cook/Chicago

ELECTRONIC FILING, RECEIVED, CLERK'S OFFICE, NOVEMBER 21, 2006
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CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 11-23-06
Site: 1101 E. 180th St
Site Code: 0316495109

Time: 11:30 AM - 1:00 PM
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 1 Direction WSW
Comments: C&D debris dumped on site.



Roll # _____ Photo # 2 Direction SW
Comments: C&D debris dumped on site.

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CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 10-3-06
Site: 1601 E. 137th St.
Site Code: C-16785103

Time: 12:32 PM 10/03/06
Inspector: S. KAEHLER
County: Cook / Chicago



Roll # _____ Photo # 3 Direction SE

Comments: Concrete waste dumped on site



Roll # _____ Photo # 4 Direction SW

Comments: New C & P waste dumped on site