

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

County of DuPage,)
)
 Complainant,)
)
 v.)
)
 Jamal Abro,)
)
 Respondent.)

AC 08-1 5

RECEIVED
CLERK'S OFFICE
FEB 08 2008
STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I, the undersigned, on oath state that I have served on the date of 1/31, 2008, the attached APPEARANCE, NOTICE OF FILING, ADMINISTRATIVE CITATION, AFFIDAVIT and OPEN DUMP INSPECTION CHECKLIST by personal service:

Jamal Abro
208 Devon
Hanover Park, IL 60133

Allen Jurezyk 1557 M

Subscribed and sworn to before me this 4th day of February, 2008.

Joy Hinz
Notary Public



County of DuPage County
503 N. County Farm Road
Wheaton, IL 60187

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JAN 29 2008

STATE OF ILLINOIS
Pollution Control Board

County of DuPage,)
)
 Complainant,)
)
 v.)
)
 Jamal Abro,)
)
 Respondent.)

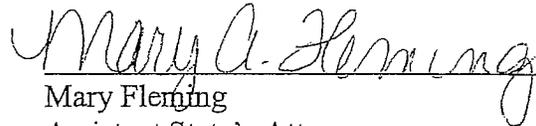
AC 08-

15

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the County of DuPage.

Respectfully submitted,



Mary Fleming
Assistant State's Attorney

DATED: January 29, 2008

County of DuPage
508 North County Farm Road
Wheaton, IL 60187

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

JAN 29 2008

STATE OF ILLINOIS
Pollution Control Board

County of DuPage,)
)
 Complainant,)
)
 v.) AC 08- 15
)
 Jamal Abro,)
)
 Respondent.)

NOTICE OF FILING

TO: Jamal Abro
208 Devon
Hanover Park, IL 60133

PLEASE TAKE NOTICE that on this date the ADMINISTRATIVE CITATION,
AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST were hand delivered to the Clerk
of the Pollution Control Board of the State of Illinois.

Respectfully submitted,

Mary A. Fleming

Mary Fleming
Assistant State's Attorney

DATED: January 29, 2008

County of DuPage
508 North County Farm Road
Wheaton, IL 60187
(630) 407-8200

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**
CLERK'S OFFICE

JAN 29 2008

STATE OF ILLINOIS
Pollution Control Board

County of DuPage,)
)
Complainant,)
)
v.) AC 08 - 15
) DP-08-02
Jamal Abro,)
)
Respondent.)

ADMINISTRATIVE CITATION

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

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (1996), specifically 415 ILCS 5/31.1.

FACTS

1. Complainant, County of DuPage, 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) (2007). DuPage County is thus a "delegated unit" and may issue administrative citations under 35 Ill. Adm. Code 108.200.

2. The Respondent, Jamal Abro, is the present occupant and in control and possession of the property at 3N509 Oak Road; West Chicago, located in the County of DuPage, State of Illinois.

3. The property is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code #0438065009. The facility is known to the County as the Jamal Abro site.

4. The Respondent has occupied, controlled and/or operated the facility at all relevant times hereto.

5. On December 3, 2007, Joy Hinz, Field Inspector for DuPage County as delegated by the Illinois Environmental Protection Agency, inspected the property. A true and correct copy of the inspection report, along with Ms. Hinz's affidavit, are attached hereto and made a part hereof.

6. Based upon direct observations made by Ms. Hinz during the course of her inspection, DuPage County 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) (2007).

b. Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, in violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2007).

7. Based upon the foregoing facts, under Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) 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 two (2) checks or money orders with the attached Remittance Form, one check in the amount of One Thousand Five Hundred Dollars (\$1,500.00) payable to DuPage County and the second check or money order in the amount of One Thousand Five Hundred Dollars (\$1,500.00) payable to the Illinois Environmental Protection Agency to:

DuPage County
Department of Economic Development and Planning
Regulatory Services Division
421 North County Farm Road
Wheaton, IL 60187

To ensure that you receive timely and proper credit for your payment, complete the attached Remittance Form 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, IL 60601

A copy of the Petition for Review must be served on the County of DuPage at the following address:

County of DuPage
Office of the State's Attorney, Civil Division
508 North County Farm Road
Wheaton, IL 60187

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 website at:

<http://www.ipcb.state.il.us/rules/procedural/procedural.htm>

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 imposing the statutory civil penalty set forth above. See Section 31.1(d) of the Act, 415 ILCS 5/31.1(d) 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 the County of DuPage 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 DuPage County State's Attorney's Office 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: January 29, 2008

County of DuPage
Office of the State's Attorney

Mary A. Fleming
Assistant State's Attorney

REMITTANCE FORM

County of DuPage,)
)
 Complainant,)
)
 v.) AC
) DP-08-03
 Jamal Abro,)
)
 Respondent.)

FACILITY: Jamal Abro Site
COUNTY: DuPage
DATE OF INSPECTION: December 3, 2007
SITE CODE: 0438065009
CIVIL PENALTY: \$3,000.00

Date Remitted _____

SS/FEIN # _____

Signature _____

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 two (2) checks or money orders with the attached Remittance Form, one check in the amount of One Thousand Five Hundred Dollars (\$1,500.00) payable to DuPage County and the second check or money order in the amount of One Thousand Five Hundred Dollars (\$1,500.00) to the Illinois Environmental Protection Agency to:

DuPage County
Department of Economic Development and Planning
Regulatory Services Division
421 North County Farm Road
Wheaton, IL 60187

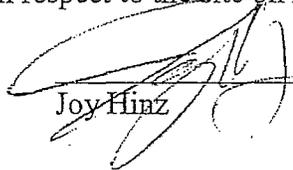
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

County of DuPage,)
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 Complainant,)
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 v.) AC 08-
) DP-08-03
 Jamal Abro,)
)
 Respondent.)

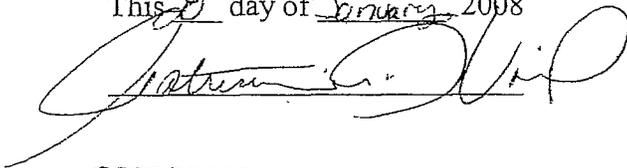
AFFIDAVIT

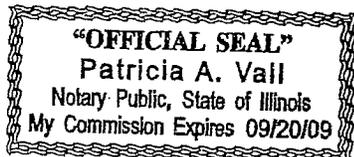
Affiant, Joy Hinz, being duly sworn, voluntarily deposes and states as follows:

1. At all times relevant to the above-captioned Administrative Citation, Affiant was employed as an inspector by the County of DuPage, Department of Economic Development and Planning.
2. On December 3, 2007 between 10:37 a.m. and 10:43 a.m., respectively, Affiant conducted an inspection of the property located at 3N509 Oak Drive; West Chicago, Illinois.
3. Affiant conducted an onsite inspection, which included walking around the property and photographing the site.
4. 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 the site. This December 3, 2007 inspection report references Affiant's August 8, 2007 inspection which is also an accurate record of Affiant's observations and factual conclusions with respect to the site on August 8, 2007.


Joy Hinz

Subscribed and sworn before me
This 8th day of January 2008





State of Illinois
Environmental Protection Agency
Narrative Inspection Report Document

County: DuPage County

Inspector: Joy Hinz

Location: Abro fka Kleist Property
3N509 Oak Rd.; West Chicago

Date: August 8, 2007

Site No: 0438065009

Time: 11:29 – 11:34 a.m.

Weather Conditions: 78 degrees Fahrenheit. Mostly cloudy. Winds WSW at 2 mph. 84% humidity. Conditions obtained from The Weather Channel electronic mail.

Estimated Amount of Waste: 3 cubic yards

General Remarks

Pre-Inspection Note: Violation Notice L-2005-DP1045 was issued as a result of an inspection conducted on October 13, 2005. The Violation Notice alleged open dumping violations for the stained soil and landscape waste observed open dumped on the property. Subsequently, the property changed ownership.

Violation Notice L-2007-DP1056 was issued for open dumping violations observed on October 27, 2006. The Notice was received by Mr. Abro (new owner) on February 5th. Mr. Abro called and said that he was working with the neighbor to comply. He said that he would clean it within 45 days to avoid submitting a CCA.

I conducted this inspection to determine the status of the site. I found that the trailer filled with waste tires was no longer on the property. Due to vegetation, I was unable to definitively verify that the wood chips had been removed but the area appeared to have been cleaned. The pieces of tree trunks were no longer on the site.

There was a burn pile on the northern side of the property east of the garage. It contained aerosol cans, metal, paper and other municipal solid waste.

On the northern side of the garage, I observed an open container filled with what appeared to be motor oil. The ground in the area was stained. There were several gasoline cans as well.

I then exited the site.

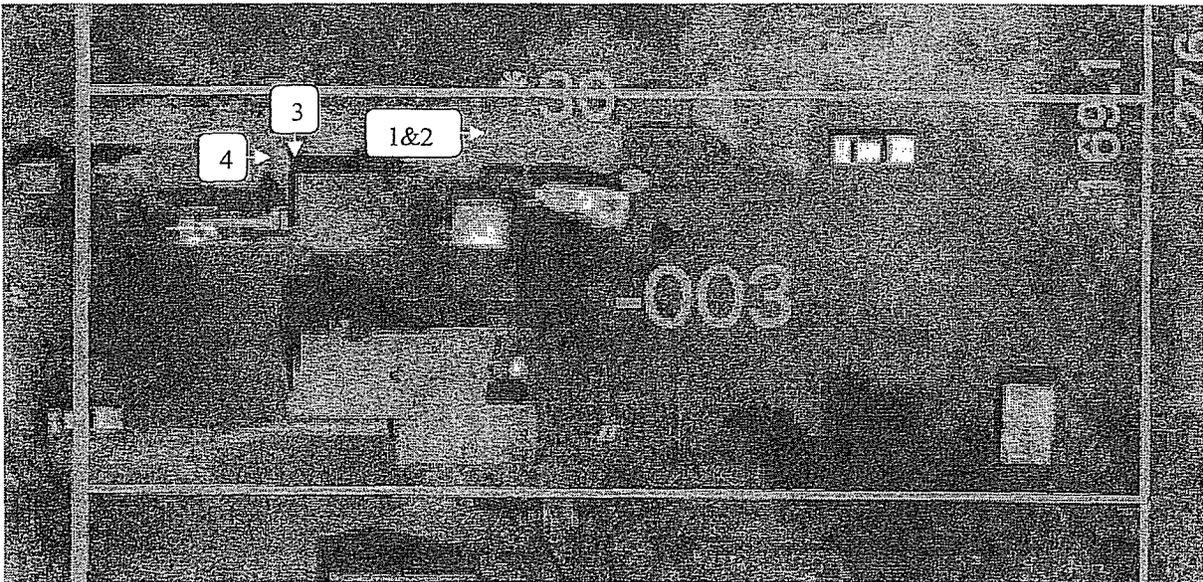
State of Illinois
Environmental Protection Agency
Site Sketch

County: DuPage County
Inspector: Joy Hinz
Location: Abro fka Kleist Property
3N509 Oak Rd.; West Chicago

Date: August 8, 2007
Site No: 0438065009
Time: 11:29 – 11:34 a.m.

Not drawn to scale North ↑

 Indicates number and approximate direction of photograph



Photograph 1

Photographed by: Joy Hinz

Date: 8/8/07

Location: Abro Property
3N509 Oak Rd.
West Chicago

Site No: 0438065009

Time: 11:30 a.m.

Comments: Taken facing eastward
showing the burn pile on the northern
side of the site.



Photograph 2

Photographed by: Joy Hinz

Date: 8/8/07

Location: Abro Property
3N509 Oak Rd.
West Chicago

Site No: 0438065009

Time: 11:30 a.m.

Comments: Taken facing eastward
showing remnants of metal cans,
bottles, paper and other waste that had
apparently been burned.



Photograph 3

Photographed by: Joy Hinz

Date: 8/8/07

Location: Abro Property
3N509 Oak Rd.
West Chicago

Site No: 0438065009

Time: 11:31 a.m.

Comments: Taken facing southward showing the open container of what appeared to be motor oil and the stained soil.



Photograph 4

Photographed by: Joy Hinz

Date: 8/8/07

Location: Abro Property
3N509 Oak Rd.
West Chicago

Site No: 0438065009

Time: 11:31 a.m.

Comments: Taken facing eastward showing the stained soil, apparent motor oil container and gasoline cans on the northern side of the garage.



State of Illinois
Environmental Protection Agency
Narrative Inspection Report Document

County: DuPage County

Date: December 3, 2007

Inspector: Joy Hinz

Site No: 0438065009

Location: Abro fka Kleist Property
3N509 Oak Rd.; West Chicago

Time: 10:37 – 10:43 a.m.

Weather Conditions: 21 degrees Fahrenheit. Sunny. Winds west northwest at 16 mph. Humidity 62%. Conditions obtained from The Weather Channel electronic mail.

Estimated Amount of Waste: 1 cubic yards

General Remarks

Pre-Inspection Notes: Violation Notice L-2007-DP1056 was issued for open dumping violations observed on October 27, 2006. The Notice was received by Mr. Abro (new owner) on February 5th. Mr. Abro called and said that he was working with the neighbor to comply. He said that he would clean it within 45 days to avoid submitting a CCA.

A follow-up inspection completed on August 8, 2007 found that the site had cleaned most of the site but additional violations were observed. Violation Notice L-2007-DP1059 was issued as a result.

I conducted this inspection to determine the status of the site. The burn pile was still on site. It contained aerosol cans, metal waste, pieces of wood, painted wood, insulation, paper, plastic bottles and other miscellaneous debris.

On the northern side of the garage, the automotive fluids had been removed however the stained soil was still in place.

I then exited the site.

State of Illinois
Environmental Protection Agency
Site Sketch

County: DuPage County
Inspector: Joy Hinz
Location: Abro fka Kleist Property
3N509 Oak Rd.; West Chicago

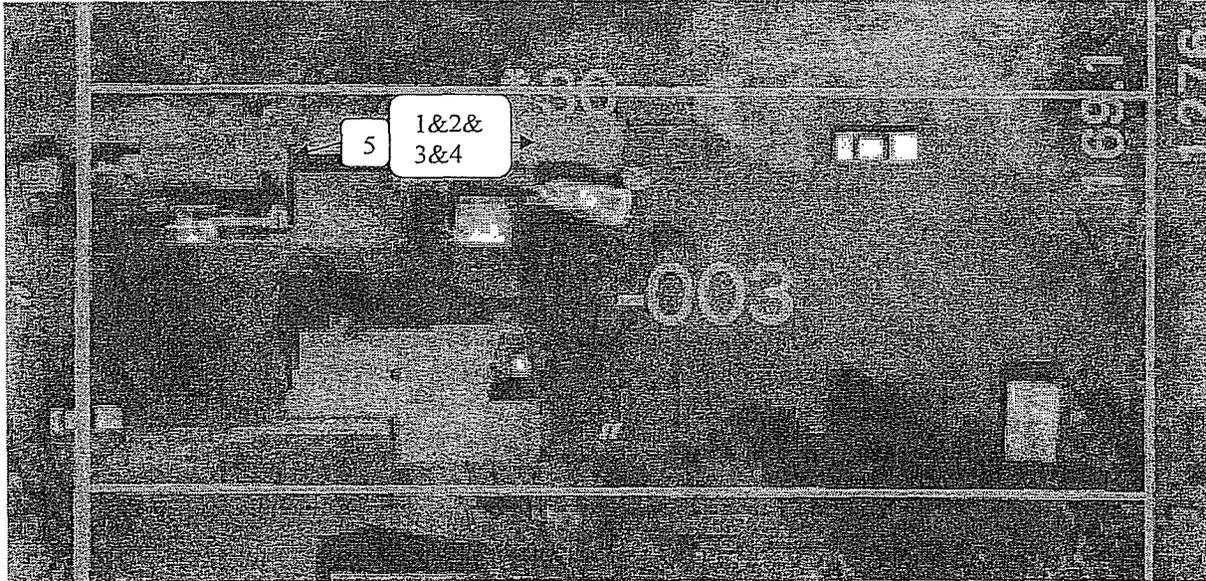
Date: December 3, 2007
Site No: 0438065009
Time: 10:37 – 10:43 a.m.

Not drawn to scale

North ↑



Indicates number and approximate direction of photograph



Photograph 1

Photographed by: Joy Hinz

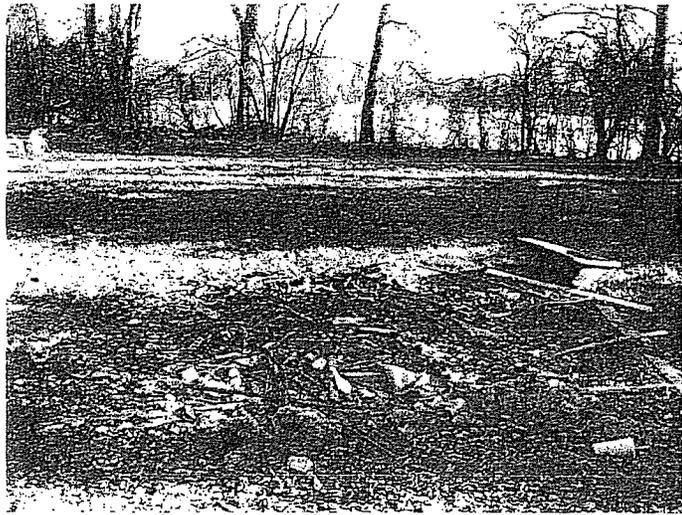
Date: 12/3/07

Location: Abro Property
3N509 Oak Rd.
West Chicago

Site No: 0438065009

Time: 10:40 a.m.

Comments: Taken facing eastward
showing the open burning pile.



Photograph 2

Photographed by: Joy Hinz

Date: 12/3/07

Location: Abro Property
3N509 Oak Rd.
West Chicago

Site No: 0438065009

Time: 10:40 a.m.

Comments: Taken facing eastward
showing insulation, pieces of wood,
and paper in the burn pile.



Photograph 3

Photographed by: Joy Hinz

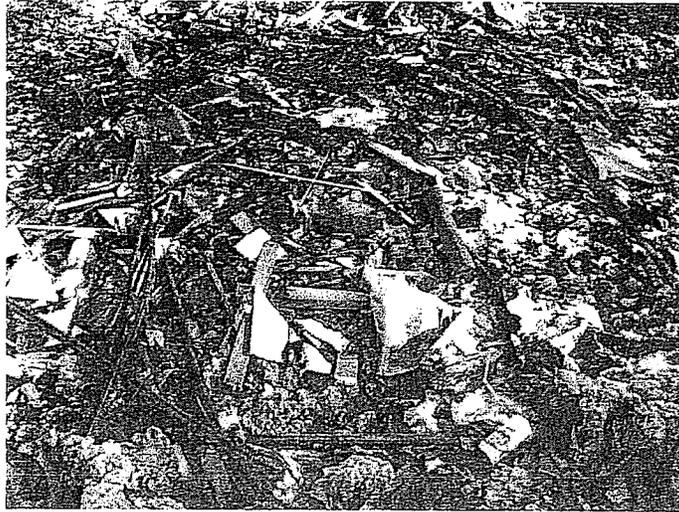
Date: 12/3/07

Location: Abro Property
3N509 Oak Rd.
West Chicago

Site No: 0438065009

Time: 10:40 a.m.

Comments: Taken facing eastward showing painted wood, a plastic bottle, paper debris and insulation in the burn pile.



Photograph 4

Photographed by: Joy Hinz

Date: 12/3/07

Location: Abro Property
3N509 Oak Rd.
West Chicago

Site No: 0438065009

Time: 10:41 a.m.

Comments: Taken facing showing construction wood, painted wood, aluminum cans, a plastic bottle and other miscellaneous waste in the burn pile.



Photograph 5

Photographed by: Joy Hinz

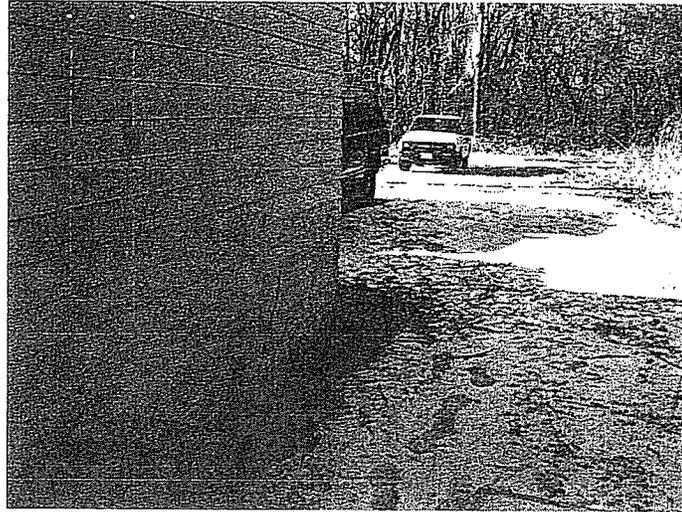
Date: 12/3/07

Location: Abro Property
3N509 Oak Rd.
West Chicago

Site No: 0438065009

Time: 10:42 a.m.

Comments: Taken facing
westward showing the northern
side of the garage where the
automotive fluids had been.



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

County of DuPage,)
)
 Complainant,)
)
 v.) AC 08-15
)
 Jamal Abro,)
)
 Respondent.)

RECEIVED
CLERK'S OFFICE

FEB 06 2008

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: Jamal Abro, 208 Devon, Hanover Park, IL 60133

PLEASE TAKE NOTICE that on the 6th day of February, 2008, the attached Proof of Service was forwarded by U.S. Mail for filing to the Clerk of the Illinois Pollution Control Board, Chicago, Illinois.

JOSEPH E. BIRKETT
DuPage County State's Attorney
Attorney No. 50000
503 N. County Farm Rd.
Wheaton, IL 60187
630-407-8200

Marya Fleming
MARY A. FLEMING
Assistant State's Attorney

CERTIFICATE OF SERVICE

The undersigned being first duly sworn upon oath state that I served this notice by mailing a copy on February 6, 2008 to each person to whom it is directed and depositing the same in the U.S. Mail at Wheaton, Illinois with the proper postage prepaid.

Elizabeth Vargas

Subscribed and sworn to before me
on February 6, 2008.

Elizabeth Vargas
Notary

