



City of Chicago
Richard M. Daley, Mayor

Department of Environment

Suzanne Maloe-McKenna
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>

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CLERK'S OFFICE

FEB 21 2008

STATE OF ILLINOIS
Pollution Control Board

AC08-17

February 20, 2008

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.
Crystal II, 98, LLC
AC: 08-17
Site Code: 0316615233

Dear Clerk Gunn:

Please find for filing with the Illinois Pollution Control Board a PDF 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.

CRYSTAL IL 98, L.L.C.

Respondent.

Site Code: 0316615233
AC 08-19

RECEIVED
CLERK'S OFFICE

FEB 21 2008

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: Crystal IL 98, L.L.C.

PLEASE TAKE NOTICE that on Feb. 20, '08, 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
John F. Kryl, CHMM
Director of Investigations
CDOE Permitting and Enforcement Division

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLERK'S OFFICE

FEB 21 2008

STATE OF ILLINOIS
Pollution Control Board

Site Code: 0316615233

AC 08-17

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

ADMINISTRATIVE CITATION

<u>Violation:</u>	<u>Civil Penalty:</u>
415 ILCS 5/21(p)(1)	\$1,500.00
415 ILCS 5/21(p)(4)	\$1,500.00
415 ILCS 5/21(p)(7)(iii)	\$1,500.00
TOTAL:	\$4,500.00

Facts

For this Administrative Citation to Crystal 98, L.L.C. ("Crystal 98"), 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 Crystal 98 is an Illinois limited liability corporation, and owner of the property located at 1300 West 35th Street in Chicago, Cook County, Illinois (the "Site"). The Site is bordered by the Chicago River to the east and has two buildings.
3. On the Site, Crystal Windows and Doors IL Corp. ("Crystal W&D") occupies the largest building, and on December 27, 2007, the second building was vacant.
4. Crystal W&D manufactures and sells windows and also receives shipments of new windows that are packaged with paper, cardboard and plastic film. Additionally, contractors

purchase windows from Crystal W&D and on occasion, place old windows in Crystal W&D's dumpsters. Crystal W&D occupies one of the buildings located on the Site, and on December 27, 2007, the second building was vacant.

4. On December 27, 2007, CDOE environmental inspector Leonard Casken conducted an inspection of the Site. He observed overflowing dumpsters and old windows surrounding the dumpsters. The wind was blowing the waste onto the riverbank adjacent to the Site. To better view the conditions along the bank, Mr. Casken also observed the Site from the opposite side of the river. From there, he identified paper, cardboard, wood timbers, plastic, scrap metal, and metal drums scattered on the Site along the riverbank.

5. A copy of Mr. Casken's inspection report is attached as Exhibit 1 and made a part of this Administrative Citation. Mr. Casken's affidavit, attesting to his material action and observations, is attached as Exhibit 2, and made a part of this Administrative Citation.

6. Based upon direct observations made by Mr. Casken 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) (2007).

b. Respondent caused or allowed the open dumping of waste in a manner resulting in the deposition of waste in standing water, in violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2007).

c. 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)(iii) of the Act, 415 ILCS 5/21(p)(7)(iii) (2007).

7. Based upon the foregoing facts, under Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2007), 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 **Four Thousand Five Hundred Dollars (\$4,500.00)**.

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.**

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/BoardProccduralandAdministrativeRules.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) (2007), 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: 2/20/08CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENTBy: Margaret Rice
Deputy Commissioner
Chicago Department of Environment

2-9-08
FEB 6 2008

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY Open Dump Inspection Checklist

County: cook LPC#: 0316615233 Region: 2 - Des Plaines
 Location/Site Name: 1300 w. 35th st / Levco Association Properties
 Date: 12/27/2007 Time: From 12:25 pm. To 2:00 pm. Previous Inspection Date: _____
 Inspector(s): L. Casken Weather: cloudy
 No. of Photos Taken: # 4 Est. Amt. of Waste: 20 yds³ Samples Taken: Yes # _____ No
 Interviewed: _____ Complaint #: _____

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

Levco Association Properties
1300 w. 35th st
Chicago, IL 60609

Levco Association Properties
1300w. 35th st.
Chicago, IL 60609

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
	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"/>

LPC # 0316315305

Inspection Date: 07/03/2007

	(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 checked="" 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.

L.P.C. # 0316615233
DECEMBER 27, 2007
1300 w. 35th st.

STATE APPARENT VIOLATIONS

- 21(A) CAUSE OR ALLOW OPEN DUMPING.
- 21(D)(1) CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT OR WASTE DISPOSAL OPERATION: WITHOUT A PERMIT
- 21(D)(2) CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT OR WASTE DISPOSAL OPERATION: IN VIOLATION OF ANY REGULATION OR STANDARDS ADOPTED BY THE BOARD.
- 21(E) DISPOSE, TREAT, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF THE ACT AND REGULATIONS.
- 21(P)(1) CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER THAT RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE: LITTER.
- 21(P)(7) CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER THAT RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE: DEPOSITION OF GENERAL CONSTRUCTION OR DEMOLITION DEBRIS; OR CLEAN CONSTRUCTION OR DEMOLITION DEBRIS.
- 812.101(A) FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL.

L.P.C. #031661533
December 27, 2007
1300 w. 35th st.

City of Chicago Municipal Code Violations

- 7-28-080 NUISANCE IN CONNECTION WITH A BUSINESS.
- 11-4-250 WASTE HANDLING FACILITY-PERMIT REQUIRED
- 7-28-450 OWNER RESPONSIBLE FOR REMOVAL.
- 11-4-1500 TREATMENT AND DISPOSAL OF SOLID & LIQUID WASTE.



CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PERMITTING AND ENFORCEMENT

FEB 5 2008

NARRATIVE EVALUATION

INSPECTION DATE: 12/27/2007

TIME: PM 12 25

SITE NAME: Pan American / Crystal Glass Co.

EMPLOYEE: Leonard Casken

SITE ADDRESS: 1300 W 35TH ST

SITE CODE:

COUNTY: Cook / Chicago

SUMMARY

Upon arrival at this former computer recycler site, I observed the recycler's area clean. I did however observe the migration of debris along the riverbank at this site. I further observed the debris had come from a glass company located there. The debris was from packing used on windows. The dumpsters were over loaded and debris consisting of old windows was on the ground. The wind was blowing Styrofoam into the river and its bank. Contractors that come to the facility were throwing old windows and glass on the ground. The riverbank was littered with assorted debris that was now going directly into the river. I previously cited the glass company for accumulation and other violations. I had made a referral to Streets and Sanitation about the dumpster overflows and litter. The situation has now impacted the riverbank that borders the property. (SEE PICTURES 1-3) I submitted my report for further enforcement study. I issued no NOV's at this time.

02 12 05

REPORT COMPLETED ? YES NO

NOV ISSUED ? YES NO

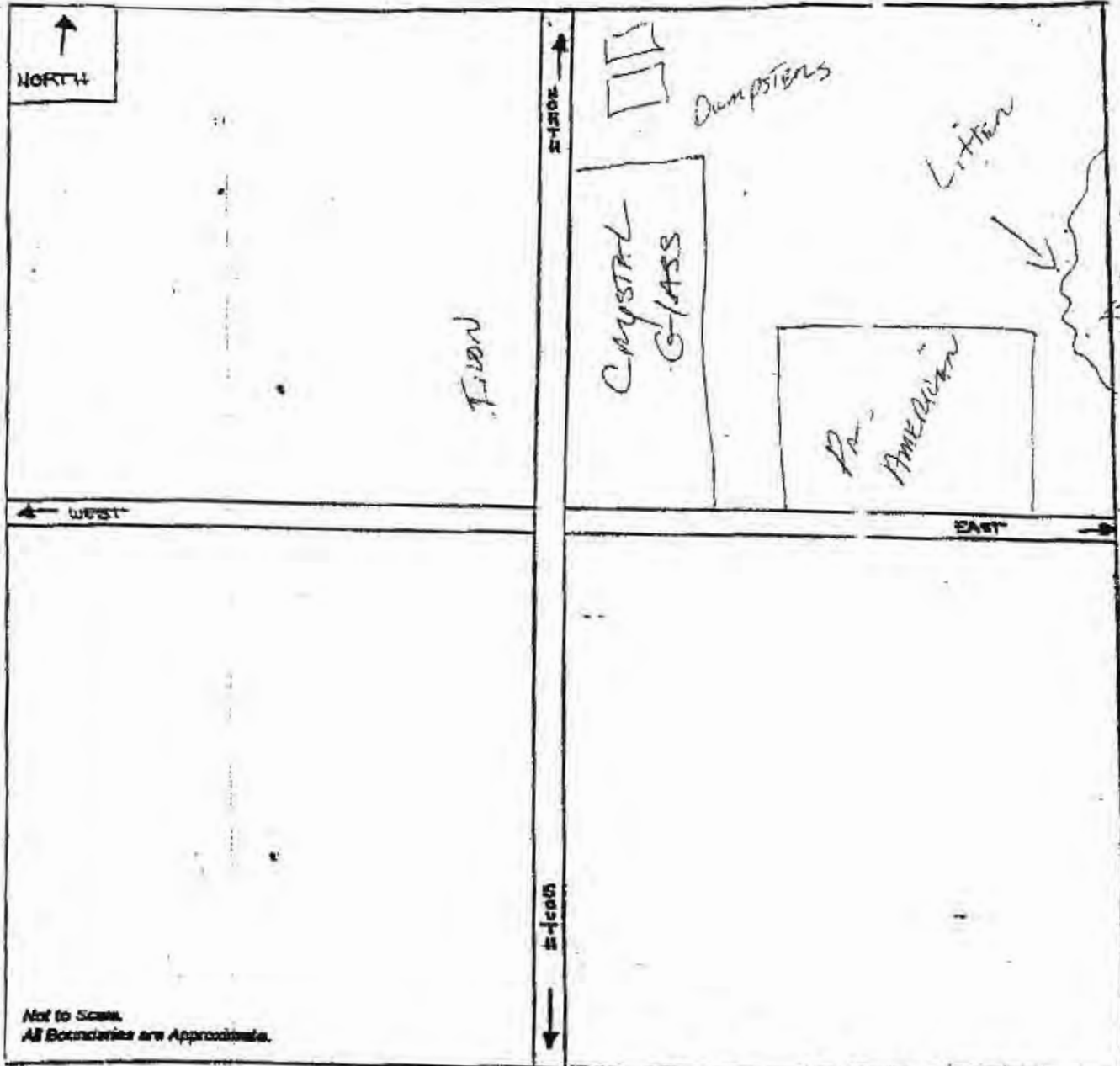
INVESTIGATION COMPLETED ? YES NO

ATTACHMENTS ? YES NO

I, Leonard Casken, 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.

117
STAR #

SIGNATURE



SITE SKETCH

CITY OF CHICAGO
 DEPARTMENT OF ENVIRONMENT
 FIELD OPERATIONS DIVISION

DATE:	12/27/2007
TIME:	12:25 PM
SITE ADDRESS:	1300 W. 35th St.
SITE CODE:	
INSPECTOR:	L. Drake
COUNTY:	COOK COUNTY, CHICAGO

Map of 1300 W 35th St Chicago, IL by MapQuest

Page 1 of 1

Sorry! When printing directly from the browser your map may be incorrectly cropped. To print the entire map, try clicking the "Printer-Friendly" link at the top of your results page.



★ 1300 W 35th St
Chicago, IL 60609-1307, US

Sorry! When printing directly from the browser your map may be incorrectly cropped. To print the entire map, try clicking the "Printer-Friendly" link at the top of your results page.



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Map of 1300 W 35th St Chicago, IL by MapQuest

Page 1 of 1

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★ 1300 W 35th St
Chicago, IL 60609-1307, US

Sorry! When printing directly from the browser your map may be incorrectly cropped. To print the entire map, try clicking the "Printer-Friendly" link at the top of your results page.

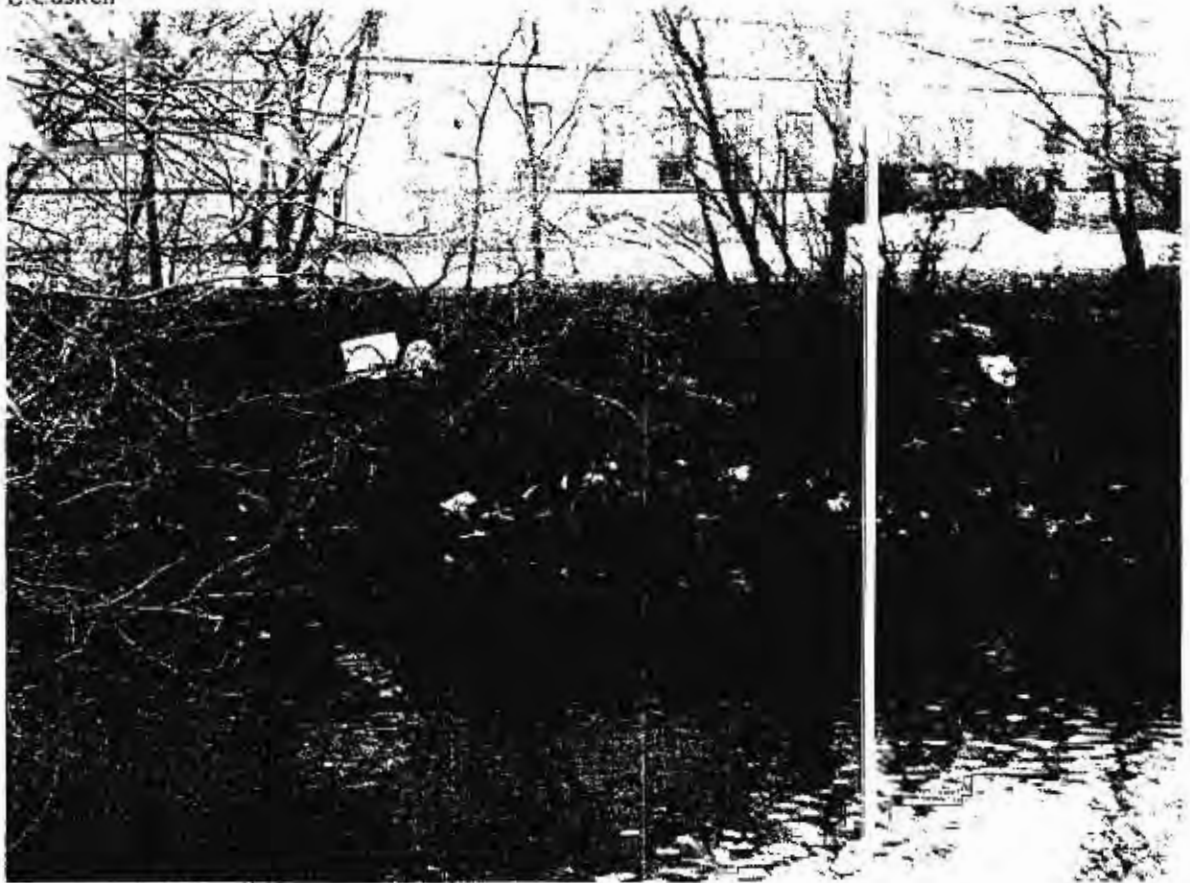


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CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date 12-27-2007
Time 12:25 PM.
Site 1300 w. 35 th street
L. Casken

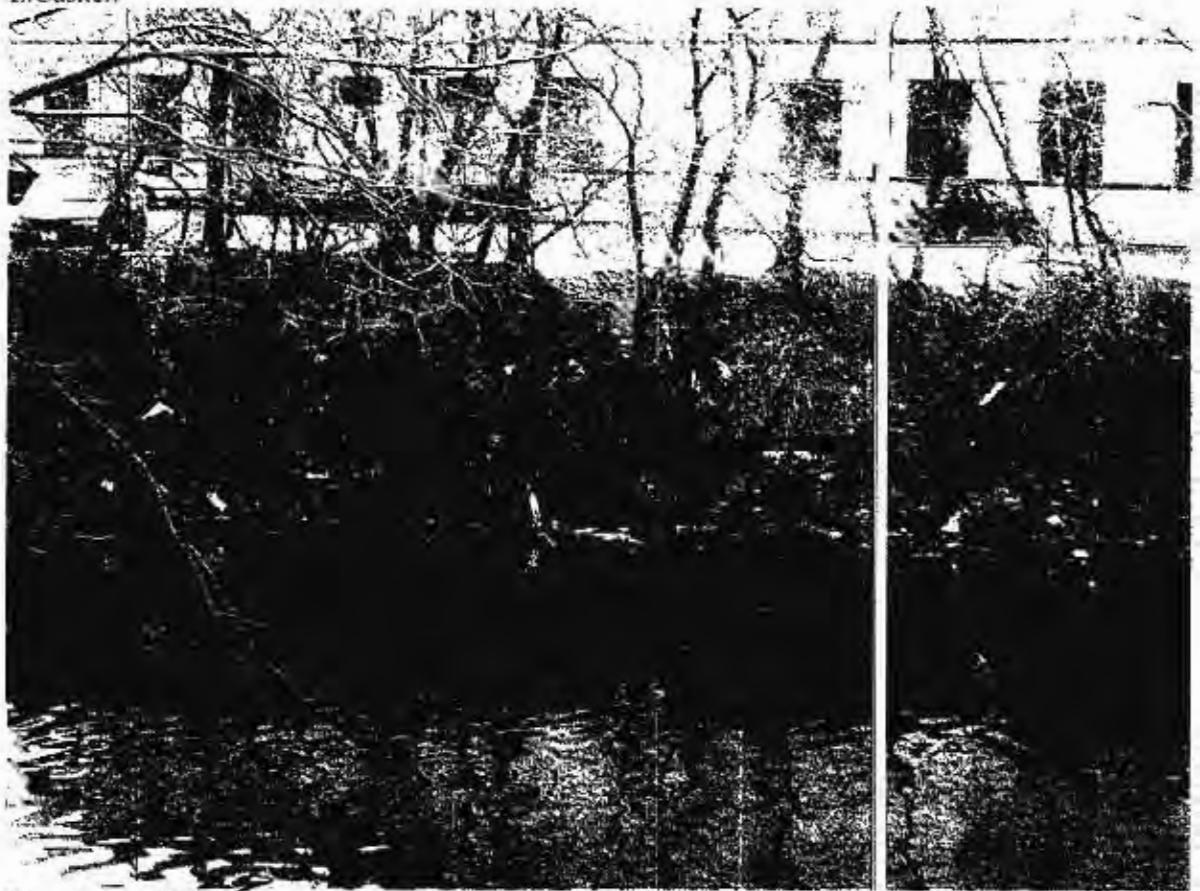


Direction WEST
Photo #

MORE Debris ALONG River bank
GOING into River behind CRISTAL
GLASS Co.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date 12-27-2007
Time 12:25 PM.
Site 1300 w. 35 th street
L. Casken



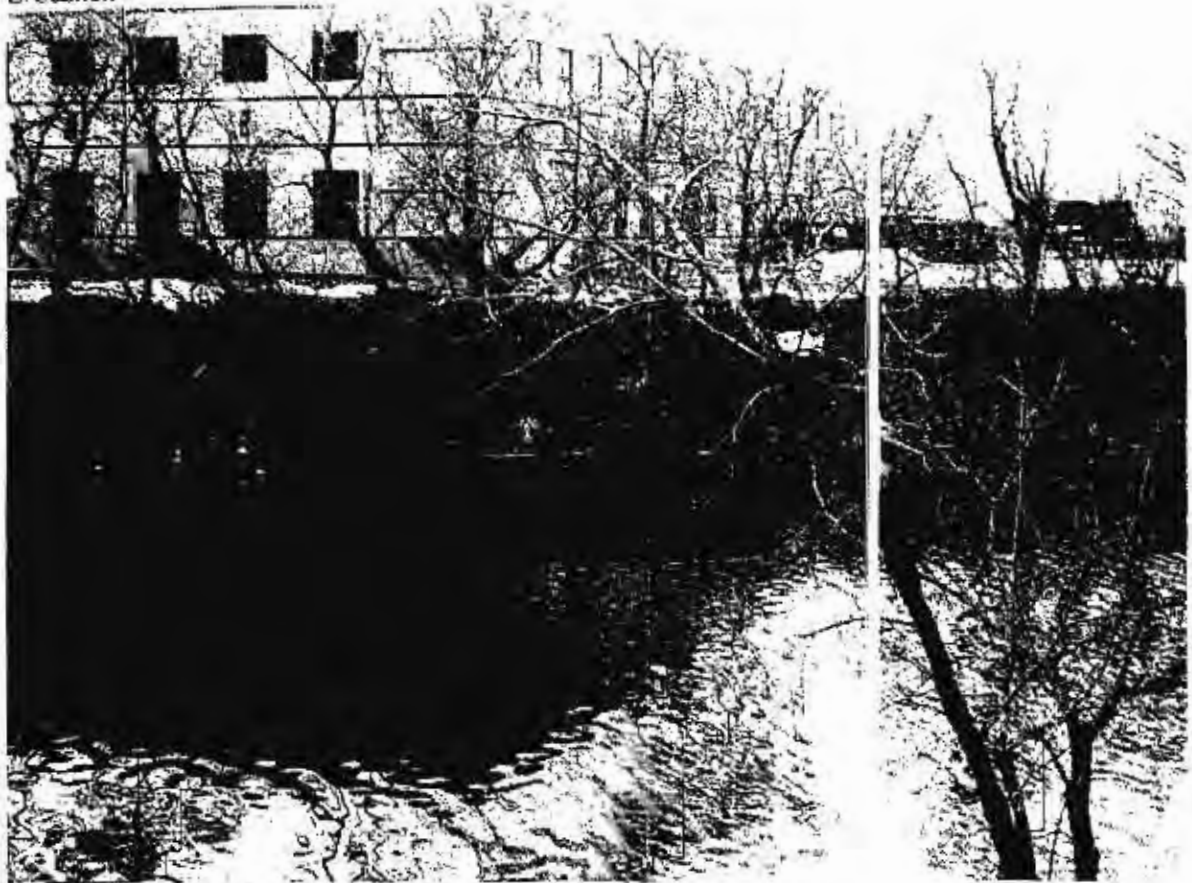
Direction: WEST

Photo # 7

debris ALONG RIVER bank coming
FROM CRYSTAL GLASS Co

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date 12-27-2007
Time 12:25 PM.
Site 1300 w 35 th street
L. Casken

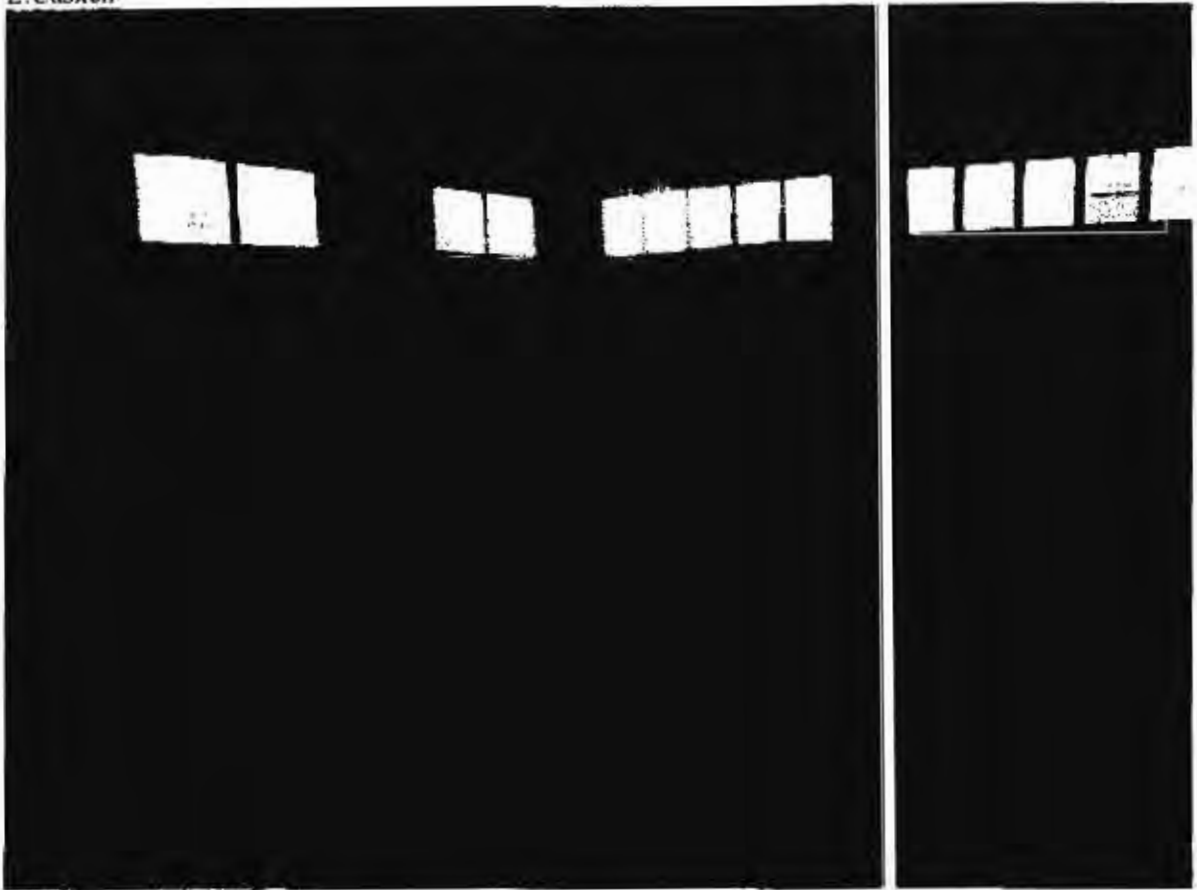


Direction WEST
Photo # 3

ANOTHER SHOT OF Debris Canal
in River behind Crystal Glass
Co.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date 11-29-2008
Time 12:25 PM.
Site 1300 w. 35 th street
L.Casken



Direction: WEST

Photo # 9
PAN AMERICAN AT RESYDEN AT
SITE NOW CLOSED AND
CLEANED UP

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT,)

Complainant,)

v.)

CRYSTAL IL 98, L.L.C.)

Respondent.)

Site Code: 0316615233
AC 08-17

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CLERK'S OFFICE

FEB 21 2008

STATE OF ILLINOIS
Pollution Control Board

AFFIDAVIT

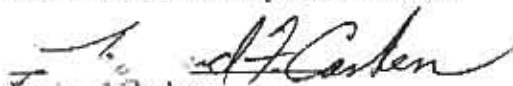
State of Illinois)

County of Cook)

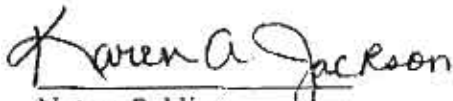
ss.:

Affiant, Leonard Casken, 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 December 27, 2007 between 12:25 pm and 2:00 p.m., Affiant conducted an inspection of 1300 W. 35th Street, Chicago, Illinois (the "Site").
3. Affiant conducted an onsite inspection, which included walking around the Site, traveling across the river to better view the riverbank and photographing the Site.
4. In connection with this inspection and subsequent conversation, Affiant and I 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.


Leonard Casken

Subscribed and sworn before me
This 20th day of February 2008.


Notary Public

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

Site Code: 0316615233
 AC 08-17

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 CLERK'S OFFICE

FEB 21 2008

STATE OF ILLINOIS
 Pollution Control Board

REMITTANCE FORM

FACILITY/PROPERTY: _____ SITE CODE: 0316615233
 COUNTY: Cook CIVIL PENALTY: \$4,500.00
 DATE OF INSPECTION: 12/27/2007 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
Richard M. Daley, Mayor

Department of Environment

Sadbu 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>

DEPARTMENT OF ENVIRO NMENT
Fax Cover Sheet

Fax #: (312) 744-5272 **RECEIVED**
CLERK'S OFFICE

Date: 02/26/08

FEB 21 2008

To: JOHN THERRIAJ

STATE OF ILLINOIS
Pollution Control Board
Fax: 312-814-3669

From: LEAH RILEY

Phone #: 312-744-7674

of pages including cover: 21

Comments: THANKS SO MUCH!

If you do not receive all the pages please call (312) 744- 7674

IMPORTANT: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the United States Postal Service. Thank you.



