City of Chicago
Richard M. Daley, Mayor

Department of Environment

N. Marcia Jiménez
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

April 23, 2004

RECEIVED
CLERK'S OFFICE
APR 2 3 2004
STATE OF ILLINOIS
Pollution Control Board

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.
K. Harris Trucking & Excavating Company
AC: 04-72
CDOE No. 04-07-AC
Site Code: 0316255216

Dear Clerk Gunn:

Please be advised that the City of Chicago Department of Environment ("CDOE") served the Respondent's President and Agent, Kenneth Harris, on 4/22/04. In order to avoid default, a Petition for review must be filed with the Illinois Pollution Control Board on or before 5/27/04, 35 days from the date of service.

A copy of the Proof of Service is attached hereto.

Sincerely,

for Johnna J. Potthoff
Assistant Commissioner
CDOE Permitting and Enforcement Division

Attachment

Chicago
Department of Environment

CHICAGO WORKS TOGETHER

PROOF OF SERVICE

IN RE: Kenneth Harris Trucking 4801 W Washington / 4802 W Chicago / 329 N. Pulaski Rd DOE _____
OVN NUMBER

Notice of Violation and other required pleadings, as required by law, were served on the above captioned individual or entity by the means indicated below.

☐ By *PERSONAL SERVICE* upon the individual/entity or their employee or agent.

☐ Refused to sign for receipt of service. _____ _____
SERVERS INITIALS Date

Kenneth Harris — Owner
NAME OF PERSON SERVED — POSITION/CAPACITY (I.E., AGENT)

☑ Personal service of hearing notice. LN 4-22-04
SERVERS INITIALS Date

[signature] — Owner
SIGNATURE/ NAME OF PERSON SERVED — POSITION/CAPACITY (I.E., AGENT)

☐ By *FIRST CLASS U.S. MAIL*, postage prepaid, to the last known address of record of the individual/entity or their registered agent on this _____ day of _____, _____.

_____
MAILING ADDRESS

☐ By *CERTIFIED MAIL* (return receipt requested) to the last known address of record of the individual/entity or their registered agent.

_____ _____
RECEIPT NUMBER DATE

☐ By *EXPRESS OR OVERNIGHT CARRIER* to the last known address of record of the individual/entity or their registered agent.

_____ _____ _____
CARRIER TRACKING CODE DATE

CERTIFICATION

I, Lafayette P. Robertson, do hereby certify under threat of penalty provided pursuant to 735 ILCS 5/1-109, that the Ordinance Violation Notice and other required documents were served on the above named individual/entity or their agent in the manner indicated.

Lafayette P. Roberts — ENVIRONMENT — 4-22-04
SIGNATURE OF SERVER — DEPARTMENT — DATE

City of Chicago
Richard M. Daley, Mayor

Department of Environment

N. Marcia Jiménez
Commissioner

Twenty-fifth Floor
30 North LaSalle Street
Chicago, Illinois 60602-2575
(312) 744-7606 (Voice)
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http://www.cityofchicago.org

April 29, 2004

RECEIVED
CLERK'S OFFICE
APR 2 3 2004
STATE OF ILLINOIS
Pollution Control Board

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.
K. Harris Trucking and Excavating Company
CDOE No. 04-07-AC
Site Code: 0316255216

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, 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) 744-3172.

Sincerely,

Johnna J. Potthoff
Assistant Commissioner
Chicago Department of Environment

Encl.

Chicago
Department of Environment

RECEIVED
CLERK'S OFFICE
APR 2 3 2004
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT, Complainant, v. K. HARRIS TRUCKING AND EXCAVATING COMPANY Respondent.	)	SITE CODE: 0316255216 AC 04-72 (CDOE No. 04-07-AC)

NOTICE OF FILING

To: Kenneth Harris

PLEASE TAKE NOTICE that on April 22 04, 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: _____
Johnna J. Potthoff
Assistant Commissioner
Permitting and Enforcement Division

RECEIVED
CLERK'S OFFICE
APR 2 3 2004
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT, Complainant, v. K. HARRIS TRUCKING AND EXCAVATING COMPANY Respondent.	)	SITE CODE: 0316255216 AC 04-72 (CDOE No. 04-07-AC)

ADMINISTRATIVE CITATION

Violation:		**Civil Penalty:**
415 ILCS 5/21(p)(1)		**$1,500.00**
415 ILCS 5/21(p)(7)		**$1,500.00**
	TOTAL:	**$3,000.00**

Facts

For this Administrative Citation to **K. Harris Trucking and Excavating Company** ("**K.H.T.E.**"), 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) (2003). CDOE is thus a "delegated unit" and may issue administrative citations under 35 Ill. Adm. Code 108.200.

2. Respondent, HARRIS is the president of K. Harris Trucking and Excavating Company. Harris' address is 731 North Latrobe, Chicago, Illinois.

3. On February 24, 2004, CDOE inspector Lafayette Robertson inspected a vacant lot at 4801 West Washington Avenue. A copy of his inspection report is attached as Exhibit 1 and made a part of this Administrative Citation.

4. Based upon direct observations made by Mr. Robertson 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) (2004).

b. Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general and/or clean construction or demolition debris, in violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2004).

5. Mr. Robertson'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) (2004), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars ($1,500.00) for each of the two violations identified above, for a total civil penalty of **Three Thousand Dollars ($3000.00).**

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
Field Operations 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/rules/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) (2004), 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.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT

By: N. Marcia Jiménez

N. Marcia Jiménez
Commissioner

Date: 4/21/04

RECEIVED
CLERK'S OFFICE
APR 2 3 2004
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT, Complainant, v. K. HARRIS TRUCKING AND EXCAVATING COMPANY Respondent.	)	SITE CODE: 0316255216 AC 04-72 (CDOE No. 04-07-AC)

AFFADAVIT

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

Affiant, Lafayette Robertson, being duly sworn, voluntarily deposes and states as follows:

1. At all times relevant to the above-captioned Administrative Citation, the City of Chicago Department of Environment employed Affiant as an inspector.

2. On February 24, 2004 between 12:50p.m. and 2:50 p.m., Affiant conducted an inspection of the property at 4801 West Washington Avenue, Chicago, Illinois.

3. Affiant conducted an onsite inspection, which included walking around the property and photographing the site. After the inspection, Affiant spoke with Kenneth Harris about his findings.

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.

Lafayette Robertson

Lafayette Robertson
Subscribed and sworn before me
This 21st day of April, 2004.
Notary Public
Karen A. Jackson

OFFICIAL SEAL
KAREN A JACKSON
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP. FEB. 6,2005

RECEIVED
CLERK'S OFFICE
APR 2 3 2004
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT, Complainant, v. K. HARIS TRUCKING AND EXCAVATING COMPANY Respondent.	)	SITE CODE: 0316255216 AC 04-72 (CDOE No. 04-07-AC)

REMITTANCE FORM

FACILITY/PROPERTY: SITE CODE: 0316255216

COUNTY: Cook CIVIL PENALTY: $3000.00

DATE OF INSPECTION: 02/24/2004 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

County: COOK, CHICAGO LPC#: 0316255216 Region: 2

Location/Site Name: 4801 W. WASHINGTON BLVD../ Vacant Lot

Date: 02-24-04 Time: From 12:50p.m.. To 2:50p.m Previous Inspection Date: FIRST

Inspector(s): L. ROBERTSON Weather: Clear ,Sunny, Cold

No. of Photos Taken: # 5 Est. Amt. of Waste: 800 yds^3 Samples Taken: Yes# No X

Interviewed: Kenneth F. Harris . Complaint #:

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

[Operator] Kenneth Harris [K.H.T.]
731N. Latrobe
Chicago, IL. 60644
773-908-5770

[Owner] MOO & OINK
7158 S. Stony Island
Chicago ,IL. 60649
Att: Robert Firzt ph#773-493-7100

	SECTION	DESCRIPTION	VIOL.
		ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS	
1.	9(a)	**CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS**	
2.	9(c)	**CAUSE OR ALLOW OPEN BURNING**	
3.	12(a)	**CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS**	
4.	12(d)	**CREATE A WATER POLLUTION HAZARD**	
5.	21(a)	**CAUSE OR ALLOW OPEN DUMPING**	X
6.	21(d)	**CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:**	
	(1)	Without a Permit	X
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
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**	X
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	X
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	

City of Chicago
Department of Environment
Narrative

MAR 1 8 2004
MAR15'04 RCVD

Date:02-24-04 **Time:12:45p.m.-2:50pm.**
Site:4801-15 W. Washington Blvd. **Investigator: L. Robertson**
Site Code :0136235141 **County: Cook-Chicago**

In summary: Investigator conducted a site inspection due to complaints from the Alderman of the 28th Ward and the Dept .of the Empowerment Zoning .

- I observed open dumping of construction waste debris and construction equipment with logo as K. H.T.[Kenneth Harris Truck/ Ph#773-908-5770] . The construction waste debris are approximately 800 cubic yards in a vacant lot .

- I spoke with Kenneth Harris later that day at the site, he stated he had his work crews to dump all of the waste onto the above site address .

- I issue a N.O.V.# 7-28-440 and 11-4-1500. The hearing date is pending for 05-06-04. Mr. Harris stated he will remove all waste from the vacant lot .

See the attached .

I, L. Robertson, an employee of the City of Chicago Department of Environment, certify that I have conducted an inspection of the above referenced property on the date indicated. I further certify that the observations set forth in this report are true and accurate.

22
Insp. #

L. Robertson
Signature

	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	
9.	55(a)	**NO PERSON SHALL:**	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
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**	
11.	722.111	**HAZARDOUS WASTE DETERMINATION**	
12.	808.121	**SPECIAL WASTE DETERMINATION**	
13.	809.302(a)	**ACCEPTANCE OF SPECIAL WASTE FROM A WASTE HAULER WITHOUT A WASTE HAULING PERMIT AND/OR MANIFEST**	
OTHER REQUIREMENTS			
14.		**APPARENT VIOLATION OF: ( ) PCB; ( ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:**	
15.	**OTHER:**	**21(P) (7) DEPOSITION OF GENERAL CONSTRUCTION OR DEMOLITION DEBRIS;OR CLEAN CONSTRUCTION OR DEMOLITION DEBRIS .**	X

L. Roberts

Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. 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.
4. 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.
5. 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).
6. Items marked with an "NE" were not evaluated at the time of this inspection.
7. Statutory effective date: through 1/8/97.

Lpc #0316255216
02-24-04
4801-15 W. Washington Blvd .

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) DEPOSITION OF GENERAL CONSTRUCTION OR DEMOLITION DEBRIS ; OR CLEAN CONSTRUCTION OR DEMOLITION DEBRIS .

02-24-04
0316255216
4801-15 W. Washington Blvd .

City of Chicago
Municipal Code Violations

11-4-1500 DISPOSAL OF SOLID WASTE .

7-28-440 DUMPING on REAL ESTATE WITH OUT A PERMIT

MAPQUEST

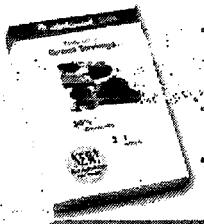
Send To Printer Back to Map

4801-15 W Washington Blvd
Chicago IL
60644-3628 US

Notes:

entertainment

The 2004 Entertainment® Savings Book is Here!



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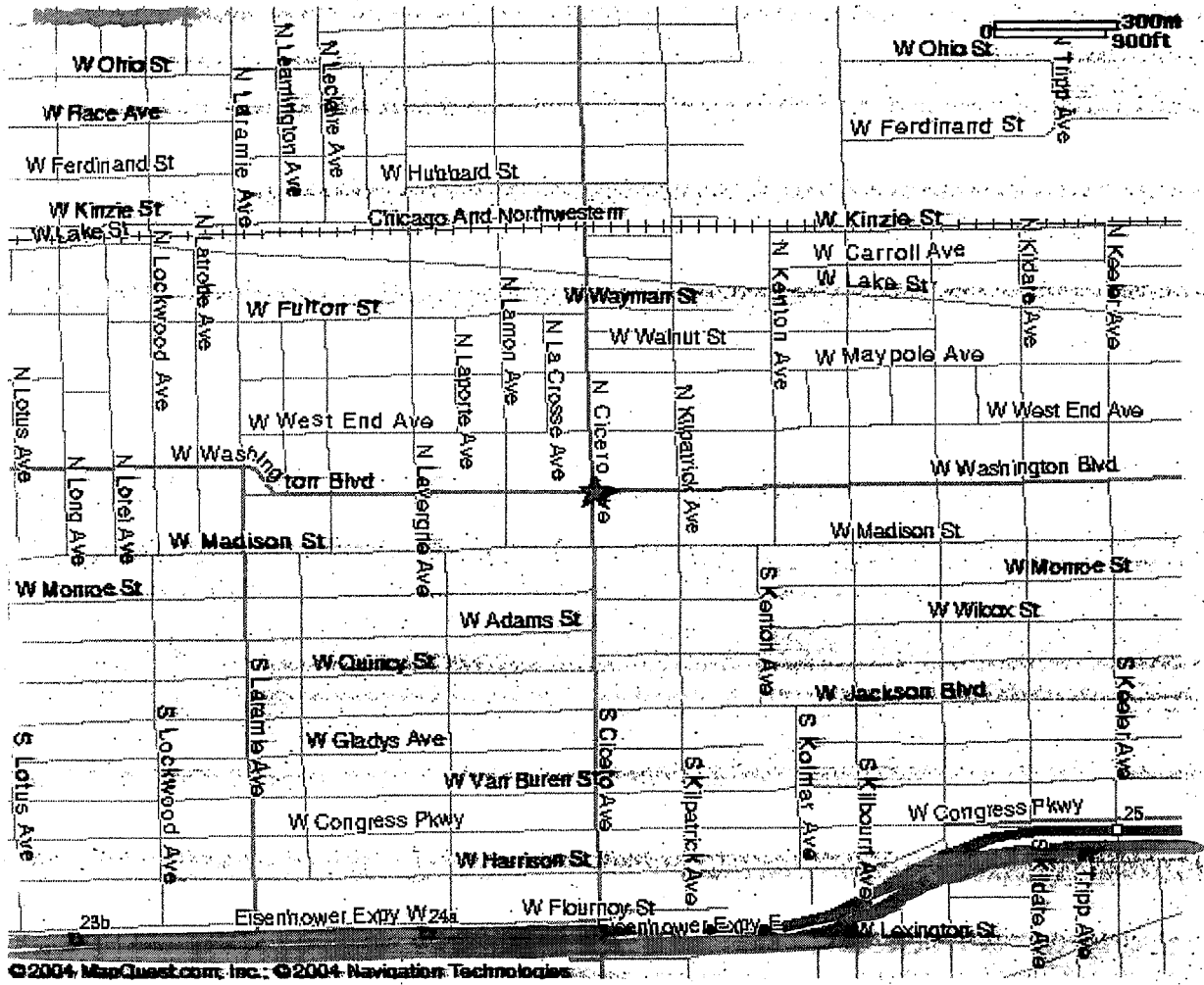

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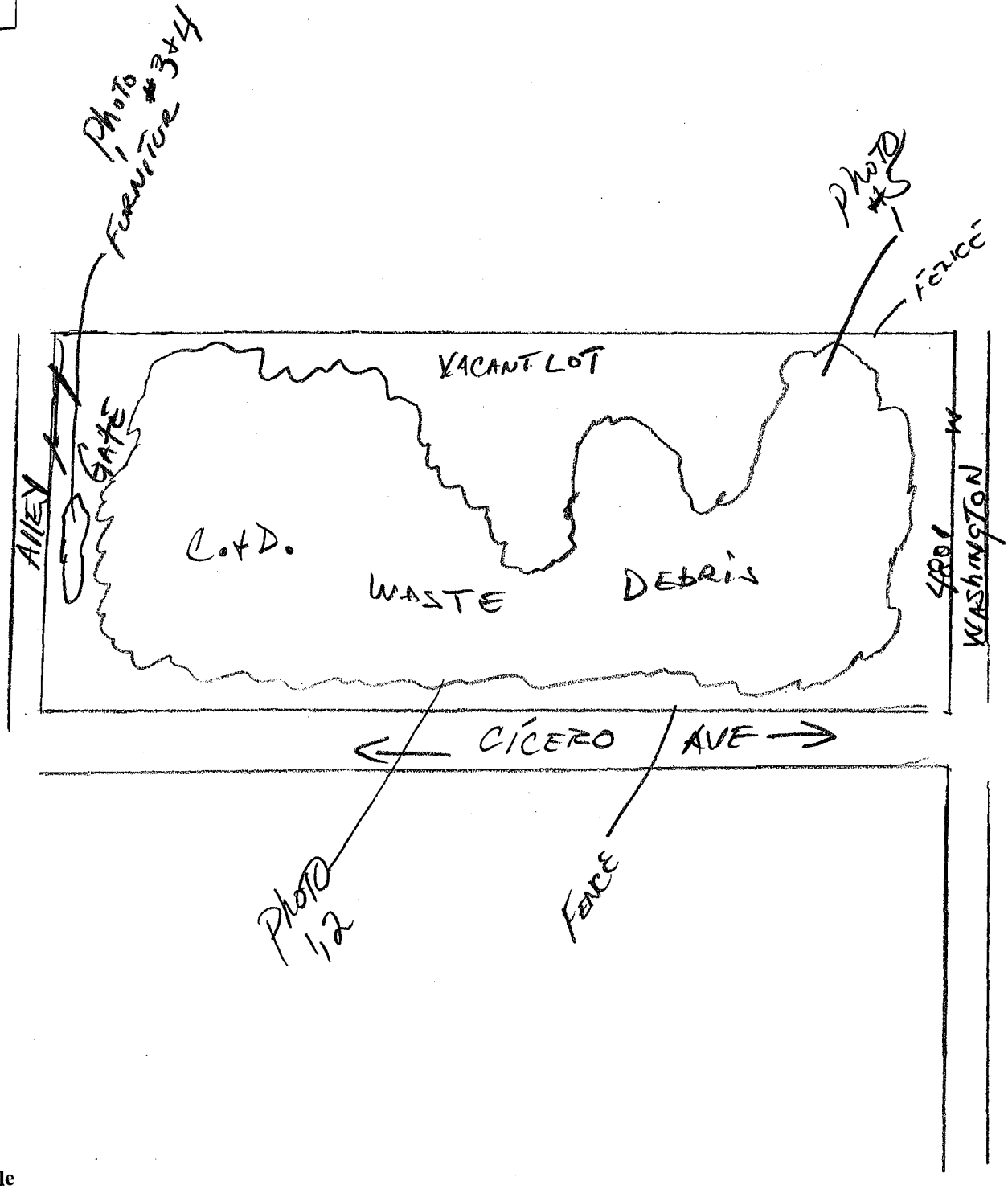


Not to Scale
All Boundaries are Approximate

Image Not Available

SITE SKETCH

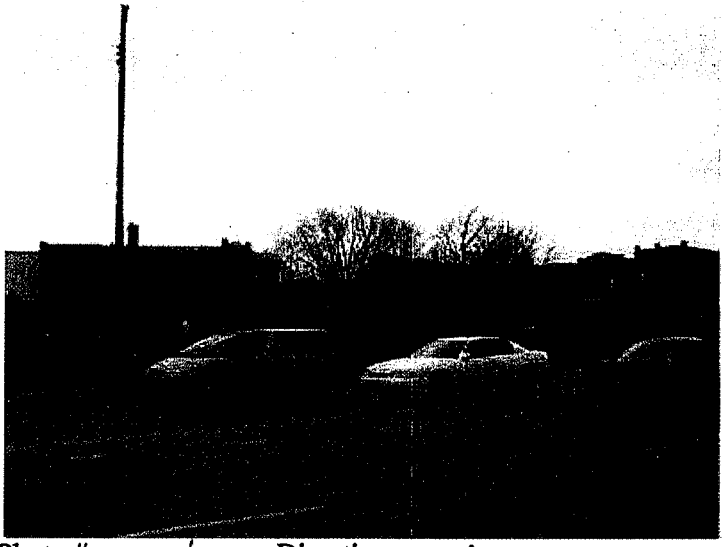
CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
FIELD OPERATIONS DIVISION

DATE:	2-24-04
TIME:	12:40 PM - 2:50 PM
SITE ADDRESS:	4801-15 W. Washington
SITE CODE:	0316255216
INVESTIGATOR	**Lafayette Phil Robertson**
COUNTY:	**COOK COUNTY/CHICAGO**

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 2-24-04
Site: 4801-5 W. Washington
Site Code: 03/6 255216

Time: 12:45 pm - 2:50 pm
Inspector: L. Roberts
County: Cook/County



Roll # _____ Photo # 1 Direction W
Comments: Photo of vacant lot with C+D waste

Roll # _____ Photo # 2 Direction W
Comments: Photo of C+D waste debris of wood, concrete block, dirt, and stone.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 2-24-04
Site: 4801-5 W. Washington
Site Code: 031625501 6

Time: 12:45PM - 2:50PM
Inspector: L. Ro Bent
County: Cook/County

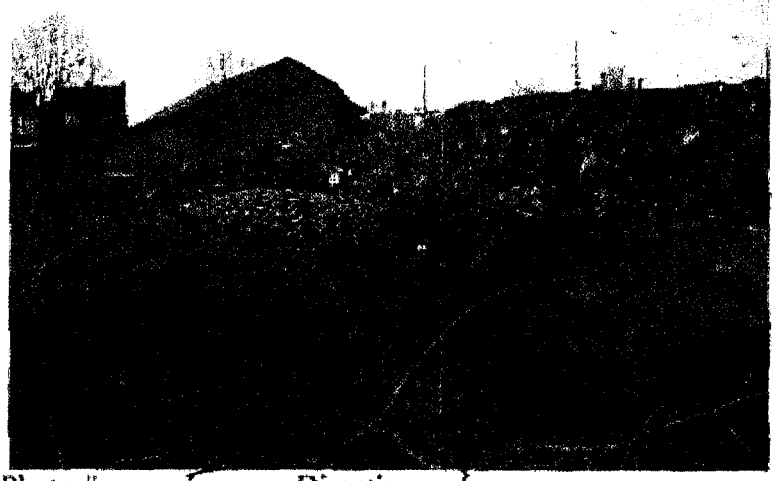
Roll # _____ Photo # 3 Direction NE
Comments: Photo of C+D Waste mixed with Dumped Furniture By unknown Person(s)

Roll # _____ Photo # 4 Direction NE
Comments: Same as Above

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 02-24-04
Site: 4801-15 W. Washington
Site Code: 0316255216

Time: 12:45 PM - 2:30 PM
Inspector: L. Robert
County: Cook/County



Roll # _____ Photo # 5 Direction E
Comments: C+D Dumped WASTE