



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>

September 18, 2003

RECEIVED
 CLERK'S OFFICE
 SEP 22 2003
 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.
 Kazimierz Sobko
 CDOE No. 03-03-AC

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.

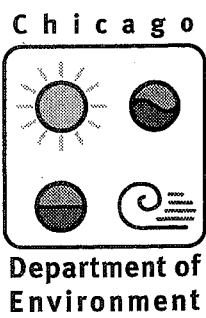
On this date, the City of Chicago Department of Environment, through its agent, will serve, via hand delivery, this Administrative Citation upon the Respondent. As soon as I receive the affidavit of service, I will promptly file a copy with you for the purpose of entering a default judgement in the event 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,

Johanna J. Potthoff
 Assistant Commissioner
 Chicago Department of Environment

Encl.



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SEP 22 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)

Complainant,)

v.)

KAZIMIERZ SOBKO)

Respondent.)

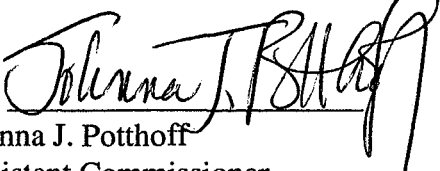
AC 04-14
(CDOE No. 03-03-AC)

NOTICE OF FILING

To: Kazimierz Sobko

PLEASE TAKE NOTICE that on ^{JJP} ~~Sept. 23, 2003~~, 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

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)
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Complainant,)
)
v.)
)
KAZIMIERZ SOBKO)
)
)
Respondent.)

AC 04-14
(CDOE No. 03-03-AC)

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)	\$1,500.00
TOTAL:	\$4,500.00

Facts

For this Administrative Citation to **Kazimierz Sobko**, 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, Kazimierz Sobko is an Illinois resident who owns and operates an auto body shop located at 1960 North Long Avenue, Chicago, Illinois.

3. On July 21, 2003, CDOE inspector Kenneth Scott inspected Respondent's property. 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. Scott 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) (2003).
 - b. Respondent caused or allowed the deposition of waste in standing or flowing waters, in violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2003).
 - c. 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) (2003).
5. Mr. Scott'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) (2003), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the 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
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/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 and imposing the statutory civil penalty set forth above. See Section 31.1(d) of the Act, 415 ILCS 5/31.1(d) (2003), 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: 9/19/03

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT

By: *N. Marcia Jiménez*
N. Marcia Jiménez
Commissioner

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
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KAZIMIERZ SOBKO)
)
)
Respondent.)

AC 04-14
(CDOE No. 03-03-AC)

AFFADAVIT

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

Affiant, Kenneth Scott, 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 City of Chicago Department of Environment.
2. On July 21, 2003 between 9:00 a.m. and 10:00 a.m., Affiant conducted an inspection of the property at 1960 North Long Avenue, Chicago, Illinois by the City of Chicago Department of Environment.
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 this site.

Kenneth Scott
Kenneth Scott

Subscribed and sworn before me
This 18th day of Sept, 2003.

Karen A. Jackson
Notary Public

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

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AC 04-14
(CDOE No. 03-03-AC)

REMITTANCE FORM

FACILITY/PROPERTY: 1960 North Long Ave. SITE CODE: 0318993002

COUNTY: COOK CIVIL PENALTY: \$4500.00

DATE OF INSPECTION: 07/21/2003 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
PHOTOGRAPHS

DATE: 7-21-03

TIME: 1045AM - 1120AM

SITE: 1960 N. LONG

INSPECTOR: KENNETH SCOTT

SITE CODE: 1 (LEGAL JUNK YARD)

COUNTY: Cook/Chicago



Roll #: 7080 Photo #: 1 Direction: E

Comments: TRASH STOWED AT THIS ENTRANCE GATE.



Roll #: 7080 Photo #: 2 Direction: E

Comments: STAGNANT WATER AND JUNK CARS.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 7-21-03

TIME: 1045AM-1120AM

SITE: 1960 N. CENS

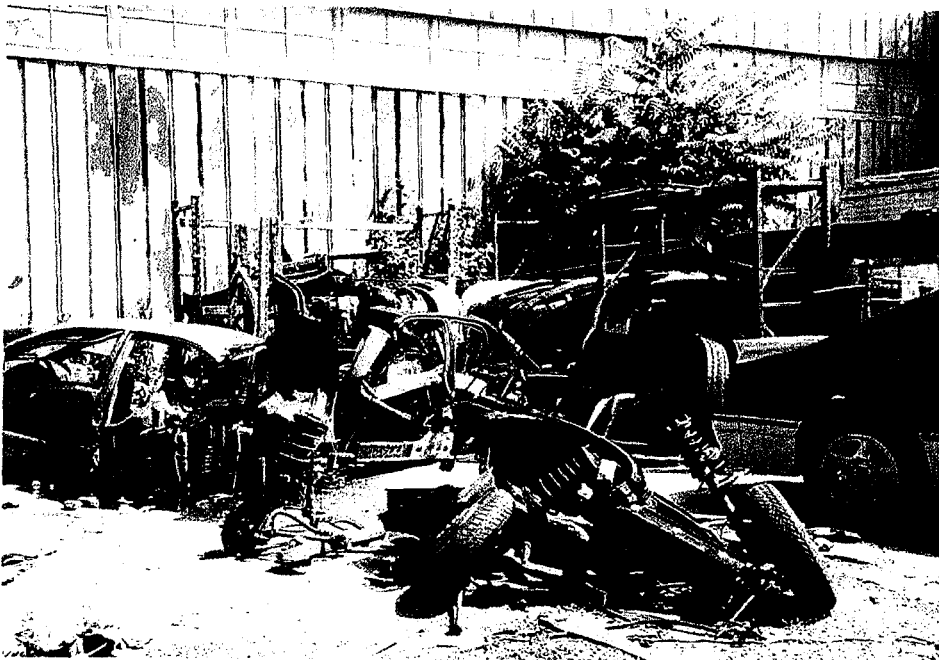
INSPECTOR: KENNETH SCOTT

SITE CODE: ILLEGAL JUNK YARD

COUNTY: Cook/Chicago



Roll #: 7080 Photo #: 3 Direction: E
Comments: STAGNANT WATER, BRICK, TRASH, JUNK CARS.



Roll #: 7080 Photo #: 4 Direction: NE
Comments: USED AUTO PARTS STORED ON THE GROUND.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 7-21-03
SITE: 1960 N. LONG
SITE CODE: ILLEGAL JUNK YARD

TIME: 10 45 AM - 11 20 AM
INSPECTOR: KENNETH SCOTT
COUNTY: Cook/Chicago



Roll #: 7080 Photo #: 5 Direction: N
Comments: ENGINES AND OTHER AUTO PARTS OBSERVED AT THE SITE.



Roll #: 7080 Photo #: 6 Direction: NE
Comments: JUNK CARS AND PARTS, HIGH WHEELS OBSERVED AT THE SITE.

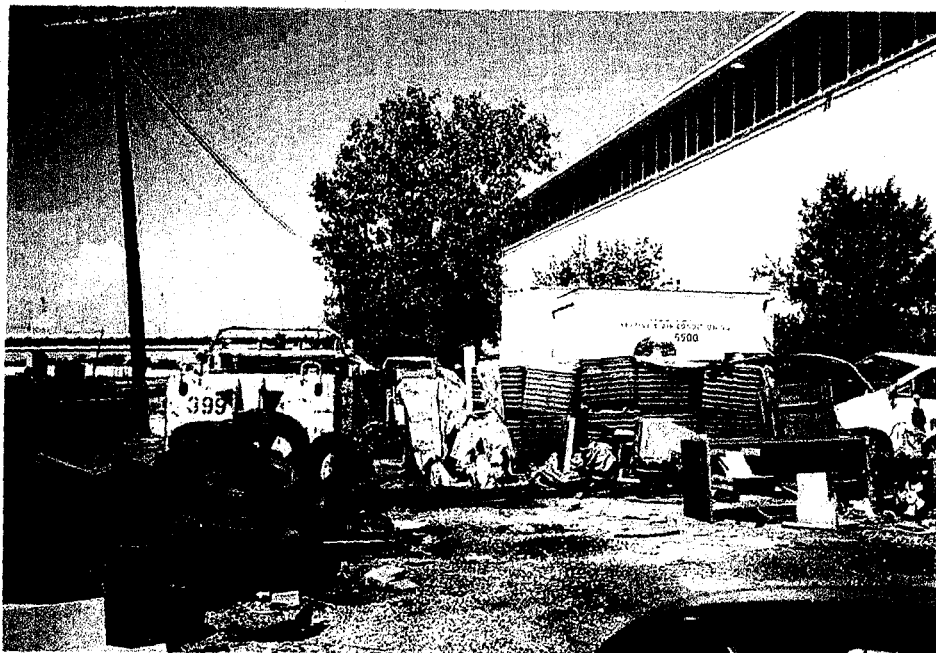
CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 7-21-03
SITE: 1960 N. LONG
SITE CODE: ILLEGAL JUNK YARD

TIME: 1045 AM - 1120 AM
INSPECTOR: KENNETH SCOTT
COUNTY: Cook/Chicago



Roll #: 7080 Photo #: 7 Direction: W
Comments: USED PLASTIC CONTAINERS WITH LIQUID INSIDE.



Roll #: 7080 Photo #: 8 Direction: W
Comments: USED TIRES, TRASH, OIL STAINED PAVEMENT.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 7-21-03
SITE: 1960 N. CONG
SITE CODE: ILLEGAL JUNK YARD

TIME: 1045 AM 1120 AM
INSPECTOR: KENNETH SCOTT
COUNTY: Cook/Chicago



Roll #: 7080 Photo #: 9 Direction: N
Comments: STAGNANT WATER, STONE, TRASH, USED CAR, OLD MACHINERY.

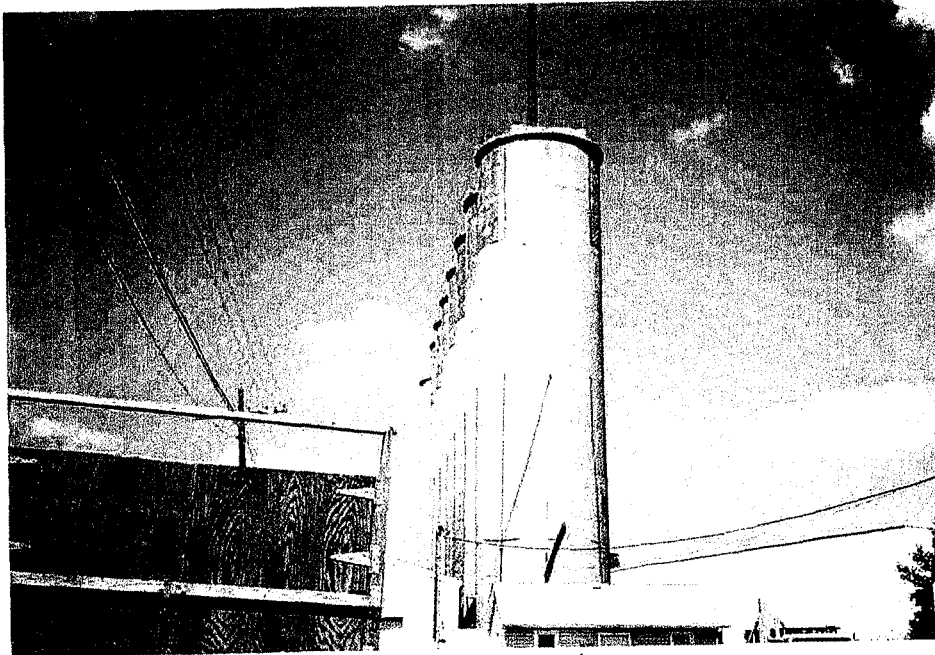


Roll #: 7080 Photo #: 10 Direction: S
Comments: STAGNANT WATER, WOOD DEBRIS, TRASH, JUNK CAR.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

DATE: 7-21-03
SITE: 1960 N. LONG
SITE CODE: URBAC JUNK YARD

TIME: 1045 AM - 1120 AM
INSPECTOR: KEVINETH SCOTT
COUNTY: Cook/Chicago



Roll #: 7080 Photo #: 11 Direction: W
Comments: SILOS OBSERVED AT THE SITE.

Roll #: _____ Photo #: _____ Direction: _____
Comments: _____