



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)
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<http://www.cityofchicago.org>

June 29, 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.
Mr. Bult's Inc.
AC: _____
Site Code: 0136005603

Dear Clerk Gunn:

Enclosed for electronic filing with the Illinois Pollution Control Board is 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) 744-8222.

Sincerely,

Jennifer David Hesse
Staff Attorney
CDOE Permitting and Enforcement Division

Encl.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)
)
Complainant,)
)
v.)
)
MR. BULT'S, INC.)
)
Respondent.)


Site Code: 0316005603
AC _____

NOTICE OF FILING

To: Mr. Bult's Inc.

PLEASE TAKE NOTICE that on 6-29-06, 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: 
Jennifer David Hesse
Staff Attorney
CDOE Permitting and Enforcement Division

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)	
OF ENVIRONMENT,)	
)	
Complainant,)	
)	Site Code: 0316005603
v.)	AC _____
)	
MR. BULT'S, INC.)	
)	
Respondent.)	

ADMINISTRATIVE CITATION

<u>Violation:</u>	<u>Civil Penalty:</u>
415 ILCS 5/21(p)(1)	\$1,500.00
TOTAL:	\$1500.00

Facts

For this Administrative Citation to Mr. Bult's, Inc. ("Bult's"), 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 Bult's is an Illinois corporation doing business in Cook County, Illinois. Bult's operates a waste hauling company that transfers waste from Liberty Waste Transfer Station located at 2040 E. 106th Street, Chicago, Illinois. The registered agent for Bult's is Ms. Pearl Bult.
3. On May 23, 2006 at approximately 6:00 p.m., while monitoring the exit of Liberty

Waste Transfer Station, CDOE environmental inspector Fred Roseman witnessed a truck leaving the facility and witnessed litter being blown from the truck's trailer. The truck's trailer was not tarped.

4. Mr. Roseman observed that MBI and #437 were marked on the door of the truck, and the truck trailer was marked #830 and had license plate #228144ST. A copy of Mr. Roseman's report and his affidavit are attached and made part of this Administrative Citation.

5. MBI is an acronym for Mr. Bult's, Inc.

6. Based upon direct observations made by Mr. Roseman during the course of his inspections, CDOE has determined that Respondent violated the Act. 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) (2005).

7. 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 the violation identified above, for a total civil penalty of **One Thousand Five Hundred Dollars (\$1,500)**.

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/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) (2005), 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: 6/15/06

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
By: Sadhu Johnston (KW)
Sadhu A. Johnston
Commissioner
Department of Environment

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT)
OF ENVIRONMENT,)
)
Complainant,)
)
v.)
)
MR. BULT'S, INC.,)
)
Respondent.)

Site Code: 0316005603
AC _____

REMITTANCE FORM

FACILITY/PROPERTY: _____ SITE CODE: 0316485103
COUNTY: Cook CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: 05/23/2006 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
 Transfer Station Inspection Checklist

JUN 09 2006
 JIK

County: Cook / CHICAGO LPC#: 0316005603 Region: 2 / DES PLAINES
 Location/Site Name: 2040 E. 106th St / LIBERTY WASTE (CALUMET)
 Date: 05-23-06 Time: From 5:15 PM To 7 PM Previdus Inspection Date: 05-07-06
 Inspector(s): ROSEMAN (CDOE) Weather: 70°F, clear & dry
 No. of Photos Taken: # 14 Samples Taken: Yes # No
 Interviewed: Facility Phone No.:

Permitted Owner Mailing Address
 JIM LAGRENZA
 ALLIED WASTE
 2400 S. LOOMIS
 CHICAGO, IL 60608

Permitted Operator Mailing Address
 MBI (MR BULL'S INC) c/o J. BULL
 4117 OFFICER ROAD
 MONKEE, IL 60449

AUTHORIZATION:
 1. OP Permit # 009-TS-06 2. Unpermitted:

SECTION	DESCRIPTION	VIOL.
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS		
1. 9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" 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 or in Violation of Any Conditions of a Permit (See Permit Provisions)	<input type="checkbox"/>
	(2) In Violation of Any Regulations or Standards Adopted by the Board	<input 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 AND REGULATIONS	<input 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"/>
	(3) Open Burning	<input type="checkbox"/>
9. 21.6(a)	KNOWINGLY MIX LIQUID USED OIL WITH MUNICIPAL WASTE FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
10. 22.14	SETBACK REQUIREMENTS	<input type="checkbox"/>
11. 22.22(a)	KNOWINGLY MIX LANDSCAPE WASTE FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>

LPC#: 0316005603
 Inspection Date: 06-23-06

12.	22.23(f)	KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF ANY LEAD-ACID BATTERY IN A LANDFILL	<input type="checkbox"/>
13.	22.28(a)	COLLECT WHITE GOODS FOR THE PURPOSE OF DISPOSAL BY LANDFILLING	<input type="checkbox"/>
14.	55(b)(1)	KNOWINGLY MIX ANY USED OR WASTE TIRES, EITHER WHOLE OR CUT, WITH MUNICIPAL WASTE	<input type="checkbox"/>
15.	56.1	NO PERSON SHALL:	
	(b)	Cause or Allow the Delivery of Any Potentially Infectious Medical Waste for Transport, Storage, or Transfer Without Proper Packaging	<input type="checkbox"/>
	(d)	Cause or Allow the Delivery or Transfer of Any Potentially Infectious Medical Waste for Transport Without Permits and/or Manifests	<input type="checkbox"/>
	(e)	Cause or Allow the Acceptance of Any Potentially Infectious Medical Waste for Purposes of Transport, Storage or Transfer Without Proper Packaging and Storage	<input type="checkbox"/>
	(g)	Cause or Allow Any Potentially Infectious Medical Waste Storage or Transfer Without a Permit	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	807.201	CAUSING OR ALLOWING THE DEVELOPMENT OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	<input type="checkbox"/>
18.	807.202	CAUSING OR ALLOWING THE USE OR OPERATION OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	<input type="checkbox"/>
	(a)	OPERATING A SITE WHICH REQUIRES A DEVELOPMENTAL PERMIT	<input type="checkbox"/>
	(b)	OPERATING A SITE WITH OUT A PERMIT OR NOT SUBMITTING A PERMIT 90 PRIOR TO THE DATE ON WHICH SUCH PERMIT IS REQUIRED	<input type="checkbox"/>
	(c)	PERMITS HAVE EXPIRED PRIOR TO SITE COMPLETION OR CLOSURE, OR HAVE BEEN REVOKED	<input type="checkbox"/>
19.	807.210	SUPPLEMENTAL PERMITS	<input type="checkbox"/>
20.	808.121(a)	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
21.	809.301	REQUIREMENTS FOR DELIVERY OF SPECIAL WASTE TO HAULERS	<input type="checkbox"/>
22.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE HAULER WITHOUT A WASTE HAULING PERMIT AND/OR MANIFEST	<input type="checkbox"/>
23.	809.501	MANIFESTS, RECORDS, ACCESS TO RECORDS, REPORTING REQUIREMENTS AND FORMS	
	(a)	Delivery of Special Waste to Hauler	<input type="checkbox"/>
	(e)	Retention of Special Waste Manifests	<input type="checkbox"/>



CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PERMITTING AND ENFORCEMENT

NARRATIVE EVALUATION

INSPECTION DATE: 5/23/2006
SITE NAME: Liberty Waste
SITE ADDRESS: 2040 E 106TH ST
SITE CODE: 0316005603

TIME: PM 05:15
EMPLOYEE: Fred Roseman
COUNTY: Cook / Chicago

SUMMARY

Site: Transfer station monitored due to previous violations, including loaded transfer vehicles leaving the facility without tarped trailers. This was a permit violation and had caused or threatened litter to exit the trailers while in transit on the public way.

Current conditions: At the facility entrance/exit, I watched outbound vehicle traffic. At approx. 5:55 PM, MBI truck #231 (no trailer #, trailer license #159493ST) exited the facility and it was visibly not tarped. Trailer contents (vinyl siding) were visibly hanging from the trailer top. The vehicle passed my location and began to proceed southbound on Stony Island Av but immediately pulled onto the shoulder when I began to follow. The driver exited the vehicle and asked "What's the problem?". I informed him that I was documenting the untarped condition of his trailer. He claimed that he was unable to tarp the trailer due to his load being too low to stand on. I suggested that he try, and the load was tarped by 6 PM. A five-foot section of vinyl siding fell to the public way during tarping.

At approx. 6 PM, MBI truck #437 (trailer #830, trailer license #228144ST) exited the facility and it was visibly not tarped. The vehicle passed my location (30 ft away, in direct sight of the facility entrance/exit) and proceeded southbound on Stony Island Av. I began driving behind this vehicle and litter was observed becoming windborne and exiting the trailer. The driver pulled onto the shoulder, exited the vehicle and asked why I was pulling him over. I informed him that I did not have jurisdiction over vehicle traffic on the public way but that I was documenting the untarped condition of his trailer. He claimed that he was unable to tarp the trailer due to his load being too low to stand on. I suggested that he try, and the load was tarped by 6:05 PM.

I returned to the facility entrance/exit. At approx. 6:10 PM, MBI truck #492 (trailer #631, trailer license #199969ST) exited the facility and it was visibly not tarped. The vehicle passed my location and proceeded southbound on Stony Island Av. I began driving behind this vehicle. From this position, fine particulates were observed becoming windborne and exiting the top of the trailer. Making a left turn at 122nd St, the entire driver's side of the vehicle was visible: trailer contents were visibly hanging from the top of the trailer. At no time did the driver attempt to rectify the situation as did the two previous drivers.

I contacted MBI Dispatch and left a voice message regarding these incidents.
Administrative Citation to follow. Monitoring to continue.

REPORT COMPLETED ? YES NO

NOV ISSUED ? YES NO

INVESTIGATION COMPLETED ? YES NO

ATTACHMENTS ? YES NO

I, Fred Roseman 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.

77
STAR #

SIGNATURE

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06
Site: 2040 E. 106th St.
Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM
Inspector: Roseman
County: Cook



Photo # 1 Direction S
Comments: License plate of TRAILER (w/o #) untagged on the public
WAY

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06
Site: 2040 E. 106th St.
Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM
Inspector: Roseman
County: Cook



Photo # 2 Direction SE
Comments: TRUCK # of UNHAPPY TRAILER, LICENSE # 159193 ST

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06
Site: 2040 E. 106th St.
Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM
Inspector: Roseman
County: Cook



Photo # 3 Direction SW
Comments: VINYL SIDING MISSING FROM UNSTAPPED TRAILER, LICENSE #
159 493 ST

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06

Site: 2040 E. 106th St.

Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM

Inspector: Roseman

County: Cook



Photo # 4 Direction E

Comments: DRIVER TAPPING TRAILER, LICENSE # 159 493 ST

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06

Site: 2040 E. 106th St.

Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM

Inspector: Roseman

County: Cook



Photo # 5 Direction E
Comments: VINYL SIDING WHICH FELL TO THE GROUND WHILE
DRIVER WAS TAPPING TRAILER, LICENSE # 159493 ST

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06

Site: 2040 E. 106th St.

Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM

Inspector: Roseman

County: Cook



Photo # 6 Direction S

Comments: LITTER BECOMING WINDBORNE FROM UNLAPPED TRAILER #
830

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06
Site: 2040 E. 106th St.
Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM
Inspector: Roseman
County: Cook



Photo # 7 Direction S
Comments: TRAILER # 830, license # 228 K4 ST

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06

Site: 2040 E. 106th St.

Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM

Inspector: Roseman

County: Cook



Photo # 8 Direction S

Comments: TRAILER # 830, LICENSE # 228 144 ST

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06
Site: 2040 E. 106th St.
Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM
Inspector: Roseman
County: Cook



Photo # 9 Direction SE
Comments: TRUCK # 437, HAULING TRAILER # 830, LICENSE #
228 KH ST

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06

Site: 2040 E. 106th St.

Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM

Inspector: Roseman

County: Cook



Photo # 10 Direction SW
Comments: DRIVER TAPPING TRAILER # 830, LICENSE # 228 144 ST

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06

Site: 2040 E. 106th St.

Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM

Inspector: Roseman

County: Cook



Photo # 11 Direction SE

Comments: TRAILER # 631, LICENSE # 199 969 - Unstayed on the public way & litter hanging from TRAILER top

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06
Site: 2040 E. 106th St.
Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM
Inspector: Roseman
County: Cook



Photo # 12 Direction SE
Comments: litter hanging from top of trailer # 631, license #
199 969 ST

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06
Site: 2040 E. 106th St.
Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM
Inspector: Roseman
County: Cook



Photo # 13 Direction E
Comments: TRAILER # 631, LICENSE # 19996A ST

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
PHOTOGRAPHS

Date: 05-23-06

Site: 2040 E. 106th St.

Site Code: 0316005603/Liberty Waste (Calumet)

Time: 5:15-7 PM

Inspector: Roseman

County: Cook



Photo # 14 Direction E
Comments: LICENSE # 199969 ST

LPC#0316005603

05/23/2006

Municipal Code Violations

7-28-080 Nuisance in connection with business

7-28-390 Dumping on public way

11-4-250 Waste handling facilities- Permit required

11-4-770 Handling of materials susceptible to becoming windborne

11-4-1500 Treatment and disposal of solid or liquid waste

LPC#0316005603

05/23/2006

APPARENT STATE VIOLATIONS

9(a) CAUSE, THREATEN, OR ALLOW AIR POLLUTION IN ILLINOIS

21(a) CAUSE OR ALLOW OPEN DUMPING

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