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JUN 22 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**CITY OF CHICAGO DEPARTMENT
OF ENVIRONMENT,**)

Complainant,)

v.)

**NATIONAL MATERIAL LIMITED
PARTNERSHIP,**)

Respondent.)

SITE CODE: 031651

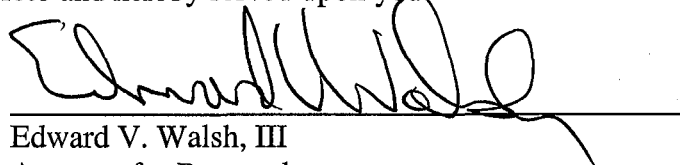
AC 04-79

(CDOE No. 04-09-AC)

NOTICE OF FILING

TO: City of Chicago Department of Environment
Permitting and Enforcement Division
30 North LaSalle Street, Suite 2500
Chicago, Illinois 60602

PLEASE TAKE NOTICE that on June 22, 2004, we caused to be filed with the Clerk of the Illinois Pollution Control Board the **Appearance of Sachnoff & Weaver, Ltd.** and **Petition for Review**, copies of which are attached hereto and hereby served upon you.



Edward V. Walsh, III
Attorney for Respondent

Edward V. Walsh, III
SACHNOFF & WEAVER, LTD.
30 South Wacker Drive, Suite 2900
Chicago, Illinois 60606
(312) 207-3898

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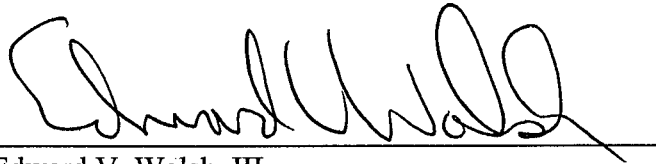
JUN 22 2004

CERTIFICATE OF SERVICE

STATE OF ILLINOIS
Pollution Control Board

I, Edward V. Walsh, III, attorney for Respondent, hereby certify that copies of the
aforementioned **Appearance of Sachnoff & Weaver, Ltd.** and **Petition for Review** were served
upon the following party by U.S. First Class Mail on this 22nd day of June, 2004:

City of Chicago Department of Environment
Permitting and Enforcement Division
30 North LaSalle Street, Suite 2500
Chicago, Illinois 60602

A handwritten signature in black ink, appearing to read 'Edward V. Walsh, III', written over a horizontal line.

Edward V. Walsh, III

JUN 22 2004

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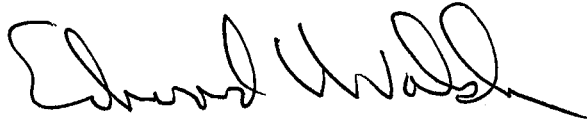
SITE CODE: 031651

AC 64-78

(CDOE No. 04-09-AC)

APPEARANCE

I hereby file my appearance in this proceeding on behalf of National Material Limited Partnership, Respondent.



Edward V. Walsh, III

Edward V. Walsh, III
SACHNOFF & WEAVER, LTD.
30 South Wacker Drive, Suite 2900
Chicago, IL 60606
(312) 207-3898

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT
OF ENVIRONMENT,)

Complainant,)

v.)

NATIONAL MATERIAL LIMITED
PARTNERSHIP,)

Respondent.)

SITE CODE: 031651

AC 04-89

(CDOE No. 04-09-AC)

PETITION FOR REVIEW

National Material Limited Partnership ("NMLP"), by its attorneys Sachnoff & Weaver, Ltd., hereby files its Petition for Review of the Administrative Citation issued by the Chicago Department of Environment ("CDOE") herein, and in support of its Petition states as follows:

1. CDOE has alleged a violation by NMLP of two sections of the Illinois Environmental Protection Act, specifically alleging that NMLP caused or allowed the deposition of waste in standing or flowing waters and alleged resultant flowing liquid discharge from the subject site.

2. NMLP contests the designation of the materials in issue as "waste" and further states that the conditions observed by CDOE's inspector were not representative of normal site conditions but, rather, were the result of unusually heavy rainfall during the period in question and that the conditions complained of were due to uncontrollable circumstances, an act of God.

3. NMLP denies that it caused or allowed the violations asserted, further stating that NMLP never operated at the site in question.

WHEREFORE, NMLP respectfully requests that CDOE's Administrative Citation be dismissed with prejudice.

Dated: June 22, 2004.

Respectfully submitted,

NATIONAL MATERIAL LIMITED
PARTNERSHIP, Respondent

By: 

One of Its Attorneys

Edward V. Walsh, III
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