

**RECEIVED**  
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JUN 02 2006

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**STATE OF ILLINOIS**  
**Pollution Control Board**

CITY OF CHICAGO DEPARTMENT )  
OF ENVIRONMENT, )

Complainant, )

v. )

JOSE R. GONZALEZ, )

Respondent. )

Site Code:0316485103

AC: 2006-040

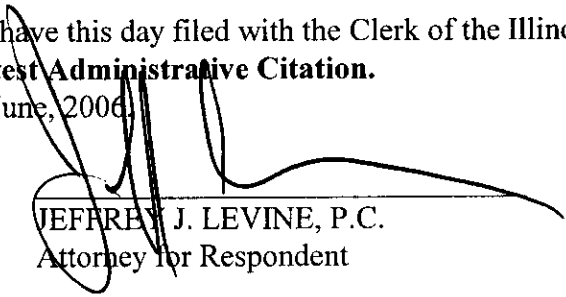
(CDOE No. 06-03-AC)

**NOTICE OF FILING**

TO: Clerk of the Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Mr. Charles A. King  
City of Chicago, Dept. of Environment  
30 North La Salle Street, 9<sup>th</sup> Floor  
Chicago, Illinois 60602

PLEASE TAKE NOTICE that we have this day filed with the Clerk of the Illinois Pollution Control Board, **Petition to Contest Administrative Citation**.  
Dated at Chicago, Illinois, this 2<sup>nd</sup> day of June, 2006.

  
JEFFREY J. LEVINE, P.C.  
Attorney for Respondent

Jeffrey J. Levine, P.C. #17295  
20 North Clark Street, Suite 800  
Chicago, Illinois 60602  
(312) 372-4600

**PROOF OF SERVICE**

The undersigned, being first duly sworn on oath, deposes and says that he served a copy of the Notice together with the above mentioned documents to the person to whom said Notice is directed by hand delivery, this 2<sup>nd</sup> day of June, 2006.

  
JEFFREY J. LEVINE, P.C.

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PETITION TO CONTEST ADMINISTRATIVE CITATION

Now comes the Respondent, JOSE R. GONZALEZ, by and through it's counsel Jeffrey J. Levine, P.C., and pursuant to Section 108.204 of the Administrative Rules of the Illinois Pollution Control Board, seeks to contest the Issuance of the Administrative Citation, and in support thereof, states and asserts as follows:

1. Respondent is within 35-day time period described in Section 108-204(b) of the Rules and Section 31.1(d) of the Act, as the Citation in this matter was filed on May 10, 2006.

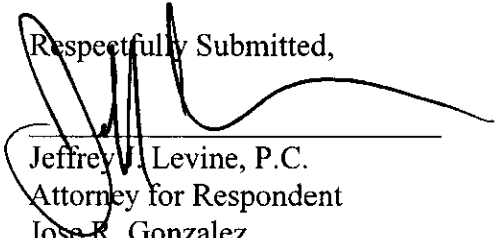
2. Respondent contests the issuance of the Administrative Citation for the following reasons:

- a. Respondent does not own property cited in the Administrative Citation;
- b. Respondent did not cause or allow specific violations cited in the Administrative Citation.
- c. Upon information and belief, specific violations cited in the Administrative Citation were untimely and/or improperly alleged;
- d. Numerous alleged violations were the result of uncontrollable circumstances;
- e. Certain alleged violations are baseless and without merit;
- f. Specific alleged violations did not involve pollution;

- g. Respondent had no intent to commit specific violations;
- h. Other individuals or entities were responsible for the violations and have been punished for the specific acts alleged by the Complainant;
- i. Complainant seeks recovery from numerous entities for the same violations; and
- j. Complainant exceeded it's authority in alleging portions of the Administrative Citation.

Wherefore, for the above and forgoing reasons, Respondent Jose R. Gonzalez, prays that the Illinois Pollution Control Board dismiss Complainant's Administrative Citation and for such further relief as it deems just and equitable.

Respectfully Submitted,



Jeffrey J. Levine, P.C.  
Attorney for Respondent  
Jose R. Gonzalez

Jeffrey J. Levine, P.C. #17295  
20 North Clark Street, Suite 800  
Chicago, Illinois 60602  
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