BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DEC 2 1 2006

CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT,)))	STATE OF ILLINOIS ollution Control Board
Complainant, v.) Site Code:0316485103) AC: 2006 7 7 7) (CDOE No. 06-03-AC)	5 Ju
1601-1759 EAST 130 th STREET, LLC,)	
Respondent.)	

NOTICE OF FILING

TO: Mr. Bradley P. Halloran
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Ms. Jennifer Burke City of Chicago, Dept. of Law 30 North La Salle Street, 9th Floor Chicago, Illinois 60602

PLEASE TAKE NOTICE that we have this day filed with the Clerk of the Illinois Pollution Control Board the attached **Appearance**, **Petition to Contest Administrative Citation** and **Motion to Consolidate**.

Dated at Chicago, Illinois, this 21st day of December, 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 21st day of December, 2006.

HFFREY J. LEVINE, P.C.

RECEIVED CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF CHICAGO DEPARTMENT
OF ENVIRONMENT,

Complainant,

V.

(CDOE No.06-03-AC)

Respondent.

DEC 2 1 2006

STATE OF ILLINOIS
Pollution Control Board

(CDOE No.06-03-AC)

APPEARANCE

I hereby file my appearance in this proceeding on behalf of the Respondent, 1601-1759 EAST 130th STREET, LLC.

Jeffrey J. Levine, P.C.
Attorney for Respondent

1601-1759 East 130th Street, LLC

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

Facsimile: (312) 443-1286



BEFORE THE ILLINOIS POLLUTION CONTROL BOARDDEC 2 1 2006

CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT,)	STATE OF ILLINOIS Pollution Control Board
Complainant, v.)	Site Code:0316485103 AC: 2006-1-2-2-2-5 (CDOE No. 06-03-AC)
1601-1759 EAST 130 th STREET, LLC,)	
Respondent.)	

PETITION TO CONTEST ADMINISTRATIVE CITATION

Now comes the Respondent, 1601-1759 EAST 130th STREET, LLC., 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 November 20, 2006.
 - 2. Respondent contests the issuance of the Administrative Citation for the following reasons:
 - a. Respondent did not cause or allow specific violations cited in the Administrative Citation.
 - b. Upon information and belief, specific violations cited in the Administrative Citation were untimely and/or improperly alleged;
 - c. Numerous alleged violations were the result of uncontrollable circumstances;
 - d. Certain alleged violations are baseless and without merit;
 - e. Specific alleged violations did not involve pollution;
 - f. Respondent had no intent to commit specific violations;

g. Other individuals or entities were responsible for the violations and have been

punished for the specific acts alleged by the Complainant;

h. Complainant seeks recovery from numerous entities for the same violations; and

i. Complainant exceeded it's authority in alleging portions of the Administrative

Citation.

Wherefore, for the above and forgoing reasons, Respondent 1601-1759 East 130th Street,

LLC. 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

1601-1759 East 130th Street, LLC.

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

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD UEC 2 1 2006

	~ ~ ~ ~	STATE OF ILLINOIS Pollution Control Board
CITY OF CHICAGO DEPARTMENT)	Poliution Control Board
OF ENVIRONMENT,)	
)	
Complainant,)	Site Code:0316485103
)	AC: 2006-7-29 25 XII
v.)	(CDOE No. 06-03-AC)
)	
1601-1759 EAST 130 th STREET, LLC,)	
)	
Respondent.)	

MOTION TO CONSOLIDATE

Now comes the Respondent, 1601-1759 EAST 130th STREET, LLC., by and through it's counsel Jeffrey J. Levine, P.C., and for it's Motion to Consolidate, states and asserts as follows:

- 1. Respondent has been charged with additional administrative citations.
- 2. Said Respondent has also been charged with similar (if not the same) violations in case No. AC 2006 41 and seeks consolidation for purposes of judicial economy.
- 3. As the parties, counsel and facts are similar if not the same in both matters, Respondent seeks consolidation of the instant case with case No. AC 2006 41.

Wherefore, for the above and forgoing reasons, Respondent 1601-1759 East 130th Street, LLC., prays that the Illinois Pollution Control Board consolidate the instant action with case No. AC 2006 - 41, and for such further relief as this Court deems just and equitable.

Respectfully Submitted,

Jeffrey V. Levine, P.C. Attorney for Respondent

1601-1759 East 130th Street, LLC.

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