

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of)
)
GHB 630, LLC)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

10-66
PCB 20-

RECEIVED
CLERK'S OFFICE
FEB 24 2010
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave, East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that we today have filed the attached Petition for Review of Final Decision with the Office of the Clerk, Illinois Pollution Control Board.


Daniel Swartzman

DiVincenzo Schoenfield Swartzman
Attorney for Petitioner
33 North LaSalle, Suite 2900
Chicago, IL 60602
312/334-4800

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PETITION FOR REVIEW OF FINAL DECISION

Now comes the Petitioner, GHS 630 LLC, by its attorneys, DiVincenzo Schoenfield Swartzman, and petitions the Board for review of a final decision by the Illinois Environmental Protection Agency, Respondent. In support of which, Petitioner states as follows:

1. Respondent made its final decision in a later dated January 21, 2010. (Attached as Exhibit A).
2. This letter was received sometime on or about January 25, 2010. It was also served as an attachment to an email dated January 25, 2010.
3. Petitioner was the owner of property located at 630 North McClurg Court in Chicago, Illinois.
4. On or about September 6, 2009, petitioner's environmental consultant discovered sub-surface contamination of heating oil on the property and contamination of the groundwater on the

property with heating oil.

5. This contamination was located in close proximity to two underground storage tanks that had been used for heating oil and had been removed earlier in 2009.

6. Petitioner immediately began to respond to this incident. On November 6, 2009, it notified the appropriate authorities and was assigned the incident number LPC #0316085220.

7. On December 21, 2009, Petitioner submitted a 45-Day Report and a Free Product Removal Report to Respondent, with a request to be included in the Leaking Underground Storage Tank Program. These reports were received by Respondent on December 22, 2009.

8. Respondent's letter does not state the basis for its conclusion that the incident is not subject to the LUST Program.

9. On or about January 21, 2009, Petitioner's environmental consultant was told by a staff member working for Respondent, during a telephone call, that the basis of the denial would be that, at the time of the removal, the Chicago Department of Environment had determined that the tanks were not leaking.

10. At the time of the removal, Petitioner's agents saw holes in the tanks and saw staining around the tanks.

11. There is no other known or suspected source of the heating oil contamination, which is in very close proximity to the removed tanks.

WHEREFORE, Petitioner requests:

- A. A hearing to present evidence why this incident should be included in the LUST Program, and
- B. A finding reversing Respondent's Final Decision.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel Swartzman", written over a horizontal line.

Daniel Swartzman
Attorney for Petitioner

DiVincenzo Schoenfield Swartzman
Attorneys for Petitioner
33 North LaSalle, Suite 2900
Chicago, IL 60602
312/334-4800



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

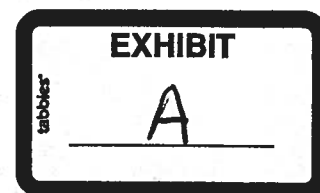
CERTIFIED MAIL

JAN 21 2010

7008 1830 0001 4715 7927

GHB 630, LLC
Attention: Lee Golub
625 North Michigan
Chicago, Illinois 60611

Re: LPC #0316085220 -- Cook County
Chicago / GHB 630, former CBS Site
630 North McClurg Court
LUST Incident No. #20091230
Leaking UST Technical File



Dear Mr. Golub:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Free Product Removal Report (report) submitted for the above-referenced incident. This report dated December 21, 2009, was received by the Illinois EPA on December 22, 2009. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Based on the information currently in the Illinois EPA's possession, this incident is not subject to 35 Ill. Adm. Code 734, 732 or 731. Therefore, the Illinois EPA Leaking Underground Storage Tank Program has no reporting requirements regarding this incident.

This letter, however, does not address whether any remaining contamination at this site is being managed to protect human health or the environment. Any remaining contamination not the subject of this letter may be subject to other provisions of the Act.

If you wish to address any remaining contamination, or portion thereof, at the site and want Illinois EPA concurrence that any cleanup measures taken are protective of human health, you may wish to consider participation in the Illinois EPA's Site Remediation Program. The Site Remediation Program has been developed to provide Illinois EPA guidance, assistance and determinations of successful completion for the voluntary conduct of remediation actions. The objectives of the program are as follows:

1. To provide Illinois EPA experience and assistance towards a timely, effective, and

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760

Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131

Bureau of Land -- Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800

Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

resource efficient cleanup of soil and/or groundwater contamination; and

2. To provide proper conclusion of participation in the program resulting in the issuance of either a No Further Remediation letter or a Release of Responsibility letter by the Illinois EPA.

Under the Site Remediation Program the Illinois EPA is authorized, and may agree, to provide review and evaluation services for actions at sites where hazardous substances, pesticides or petroleum may be present for which the owner or operator requested such services in writing. Any other person similarly may request review and evaluation services for actions at the site so long as that other person has provided the Illinois EPA with the written permission of the owner or operator to conduct those actions. Participants in the Program are required to reimburse the Illinois EPA for such services.

If you have any questions or require further assistance, please contact the Illinois EPA project manager, Eric Kuhlman, at 217/785-5715.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land


HAC:EK:H\

c: GaiaTech, Inc.
BOL File

CERTIFICATE OF SERVICE

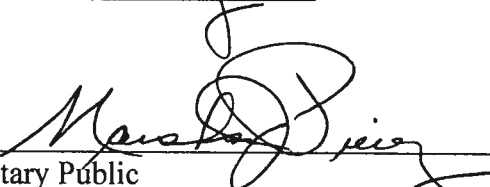
I, Daniel Swartzman, on oath or affirmation, state that on February 24, 2010, I served the attached (1) Petition for Review of Final Decision and (2) Notice of Filing on the Respondent by depositing same in the U.S. Mail, postage prepaid, before 5 pm, addressed to:

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave, East
P.O. Box 19276
Springfield, IL 62794-9276

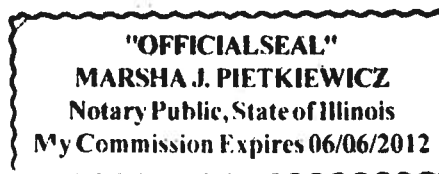


Daniel Swartzman

Subscribed to and sworn before me
this 24th day of
February, 2010.



Notary Public



My commission expires: 6/6/2012