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DEC 21 2006

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

CITY OF CHICAGO DEPARTMENT )  
OF ENVIRONMENT, )

Complainant, )

v. )

1601-1759 EAST 130<sup>th</sup> STREET, LLC, )

Respondent. )

Site Code:0316485103

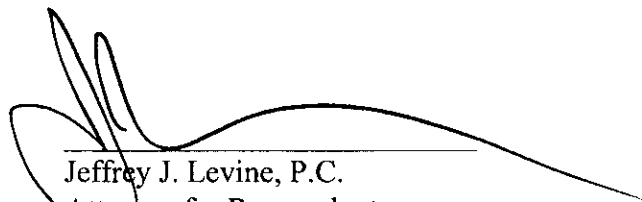
AC: 2006-~~7-29~~ 258m

(CDOE No.06-03-AC)

**APPEARANCE**

I hereby file my appearance in this proceeding on behalf of the Respondent, 1601-1759

EAST 130<sup>th</sup> STREET, LLC.



Jeffrey J. Levine, P.C.

Attorney for Respondent

1601-1759 East 130<sup>th</sup> Street, LLC

Jeffrey J. Levine, P.C. #17295  
20 North Clark Street, Suite 800  
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1601-1759 EAST 130<sup>th</sup> STREET, LLC, )

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Site Code:0316485103

AC: 2006-1-21-25 JM

(CDOE No. 06-03-AC)

**PETITION TO CONTEST ADMINISTRATIVE CITATION**

Now comes the Respondent, 1601-1759 EAST 130<sup>th</sup> 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;

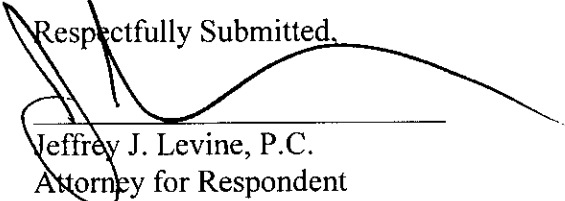
e. Specific alleged violations did not involve pollution;

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 130<sup>th</sup> 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,



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Jeffrey J. Levine, P.C.  
Attorney for Respondent  
1601-1759 East 130<sup>th</sup> Street, LLC.

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20 North Clark Street, Suite 800  
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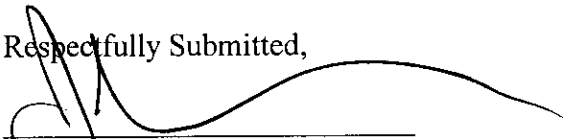
Site Code:0316485103  
AC: 2006-7-29-2507  
(CDOE No. 06-03-AC)

MOTION TO CONSOLIDATE

Now comes the Respondent, 1601-1759 EAST 130<sup>th</sup> 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 130<sup>th</sup> 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 J. Levine, P.C.  
Attorney for Respondent  
1601-1759 East 130<sup>th</sup> Street, LLC.

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