

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

_____)	
In the Matter of:)	
)	
Grand Pier Center, LLC,)	CERCLA § 106(b) Petition No. 04-01
)	
Petitioner)	
_____)	

ORDER SCHEDULING ORAL ARGUMENT

On June 6, 1996, United States Environmental Protection Agency, Region 5 (“the Region”) issued a unilateral administrative order (the “UAO”) under section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. §§ 9601-9675 (“CERCLA”). The UAO required the Chicago Dock and Canal Trust to remove hazardous substances from property referred to as the Lindsay Light II Site. On March 29, 2000, the Region issued the first amendment of the UAO (the “First Amendment”), which, among other things, expanded the description of the Lindsay Light II Site to include property owned by Grand Pier Center, LLC (“Grand Pier”) and added Grand Pier as a respondent obligated to perform the required removal activities.¹

¹ The information contained in this order is included solely as background context for the present order and should not be interpreted to suggest that the Board has made any determinations on the merits regarding any of the facts, issues, or legal matters that may be in dispute in this proceeding.

On December 8, 2004, Grand Pier filed a petition for reimbursement of approximately \$200,000 that Grand Pier contends it spent in complying with the First Amendment in performing removal activities on what Grand Pier refers to as the “off-site sidewalk area.” Grand Pier’s petition for reimbursement is based solely on section 106(b)(2)(A) and (C) of CERCLA. Grand Pier contends that it is entitled to reimbursement because, with respect to the off-site sidewalk area, it is not a liable party under section 107(a) of CERCLA. In its petition, Grand Pier requests that it be granted an opportunity to present oral argument in support of its request for reimbursement. The Region has filed a response to Grand Pier’s petition. The Region argues, among other things, that Grand Pier is a liable party under section 107(a) of CERCLA.²

After reviewing Grand Pier’s petition, the Region’s response, and the record before us, the Board has determined that oral argument will assist it in its consideration of this matter. Accordingly, the parties are hereby advised that oral argument is scheduled to begin at 10:00 A.M. on Thursday, June 16, 2005, in the Administrative Court Room, U.S. Environmental Protection Agency, EPA East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. Each party will have 30 minutes to present argument. Grand Pier shall proceed first and may reserve up to 5 minutes of its allocated time for rebuttal. The parties shall

² On April 21, 2005, Grand Pier filed a motion seeking leave to file a reply brief (along with Grand Pier’s proposed reply brief). That motion remains pending and is not addressed by this order.

notify the Board in writing by Thursday, June 2, 2005, of the names of counsel who will present argument.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: April 27, 2005

By: _____ /s/ _____
Anna L. Wolgast
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Scheduling Oral Argument, CERCLA § 106(b) Petition No. 04-01 were sent to the following persons in the manner indicated:

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Dated: April 27, 2005

/s/
Annette Duncan
Secretary