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SEP 27 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant)	
)	
Vs.)	No. PCB 05-14
)	(Enforcement-Air)
MICHAEL COLLINS d/b/a C&R)	
CONSTRUCTION,)	
)	
Respondent)	

ANSWER

Comes now Michael Collins d/b/a C&R Construction, by Rich Black, his attorney and answers the complaint as propounded by Complainant, and avers as follows:

COUNT I
NOTIFICATION VIOLATION

1. Respondent is without sufficient information to either admit or deny the allegations of paragraph 1.
2. Respondent admits the allegations in paragraph 2.
3. Respondent admits the allegations in paragraph 3.
4. Respondent admits the allegations in paragraph 4.
5. Respondent admits the allegations in paragraph 5.
6. Respondent admits the allegations in paragraph 6.
7. Respondent admits the allegations in paragraph 7.

8. Respondent admits the allegations in paragraph 8.

9. Respondent admits that he was hired by the City of East Saint Louis to demolish a building at 420 St. Louis Avenue and that it was done pursuant to an emergency order of demolition. Respondent denies that the City directed respondent to obtain a certified asbestos supervisor.

10. Respondent admits the allegations in paragraph 10.

11. Respondent admits the allegations in paragraph 11 that defines respondent as an operator of a demolition, and denies that the building in question is a facility containing asbestos as the terms are defined for purposes of this statute.

12. Respondent denies each and every allegation of paragraph 12 and demands strict proof thereof.

13. Respondent denies the allegations in paragraph 13.

14. Respondent denies the allegations in paragraph 14.

15. Respondent denies the allegations in paragraph 15.

PRAYER FOR RELIEF

Wherefore, the Respondent, respectfully requests that this Board enter an order:

A. Denying the relief prayed for by the Complainant;

- B. Dismissing the Petition of Complainant with prejudice;
- C. Award the Respondent costs and attorney fees;
- D. Grant such other and further relief as the Board deems appropriate.

COUNT II

WASTE HANDLING VIOLATIONS

1-13. Respondent realleges and incorporates herein by reference paragraphs 1 through 13 of Count I Answers as paragraph 1 through 13 of this Count II Answers:

- 14. Respondent denies each and every allegation of paragraph 14.
- 15. Respondent denies each and every allegation of paragraph 15.
- 16. Respondent denies each and every allegation of paragraph 16.

PRAYER FOR RELIEF

Wherefore, the Respondent, respectfully requests that this Board enter an order:

- A. Denying the relief prayed for by the Complainant in Count II;
- B. Dismissing Count II of the Petition of Complainant with prejudice;

- C. Award the Respondent costs and attorney fees;
- D. Grant such other and further relief as the Board deems appropriate.

COUNT III

FAILURE TO HAVE AN ON-SITE REPRESENTATIVE

1-13. Respondent realleges and incorporates herein by reference paragraphs 1 through 13 of Count I Answers as paragraph 1 through 13 of Count III Answers:

- 14. Respondent denies each and every allegation of paragraph 14.
- 15. Respondent denies each and every allegation of paragraph 15.
- 16. Respondent denies each and every allegation of paragraph 16.
- 17. Respondent denies each and every allegation of paragraph 17.

PRAYER FOR RELIEF

Wherefore, the Respondent, respectfully requests that this Board enter an order:

- A. Denying the relief prayed for by the Complainant in Count III;
- B. Dismissing Count III of the Petition of Complainant with prejudice;

- C. Award the Respondent costs and attorney fees;
- D. Not impose a penalty;
- E. Grant such other and further relief as the Board deems appropriate.

AFFIRMATIVE DEFENSE

STATUTE OF LIMATATIONS

Comes now the Respondent, Michael Collins, and asserts the following affirmative defense:

- 1. Complainant alleges in its complaint that the dates of the alleged occurrences were completed more than two years prior to the mailing and filing of the original petition.
- 2. That the complaint fails to state an actionable cause of action.

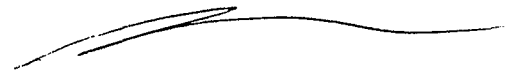
Wherefore, the Respondent, respectfully requests that this Board enter an order:

- A. Denying the relief prayed for by the Complainant in Counts I through III;
- B. Award the Respondent costs and attorney fees
- C. Not impose a penalty;

- D. Dismiss the Complaint with prejudice;
- E. Grant such other and further relief as the Board deems appropriate.

Michael Collins

Respectfully submitted,



R. Black
Bar # 6186536
Attorney for Respondent
P.O. BOX 1894
Fairview Heights, IL 62208

CERTIFICATE OF SERVICE

I hereby certify that I did on Sept 24, 2004, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument entitled ANSWER:

To: PHILLIP McQUILLAN
Senior Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706

And the original and ten copies by First Class Mail with postage thereon fully prepaid of
The same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601



R. Black
Attorney for Respondent