

RECEIVED
CLERK'S OFFICE

NOV 17 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE
STATE OF ILLINOIS,

Complainant

V.

AUTO RECYCLERS - C.&D.
ENTERPRISES, INC., an Illinois
corporation,

Respondents


PCB NO. 05-64

APPEARANCE

The undersigned hereby enters his appearance as attorney of record for
Auto Recyclers - C. & D. Ent., Inc. in the above entitled cause.

Auto Recyclers - C. & D. Ent., Inc.,

By:


Kevin N. McDermott
their attorney

Kevin N. McDermott
Attorney
15 South Old State Capitol Plaza
Springfield, Illinois 62701
217/753-4070
Registration No. 06196497

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD NOV 17 2004

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE
STATE OF ILLINOIS,

Complainant

V.

AUTO RECYCLERS - C.&D.
ENTERPRISES, INC., an Illinois
corporation,

Respondents

PCB NO. 05-64

**ANSWER TO
COMPLAINT**

Respondent, Auto Recyclers - C. & D. Enterprises, Inc., an Illinois corporation, by their attorney Kevin N. McDermott, and for its answer to the COMPLAINT, states as follows:

**COUNT I
LAND POLLUTION VIOLATIONS**

- 1) Respondent neither admits or denies the allegations contained in paragraph one but demands affirmative proof thereof.
- 2) Respondent neither admits or denies the allegations contained in paragraph two but demands affirmative proof thereof.
- 3) Respondent neither admits or denies the allegations contained in paragraph three but demands affirmative proof thereof.
- 4) Respondent admits the allegations contained in paragraph four.
- 5) Respondent admits that automotive salvage operations were conducted at the ARCD site while Respondent was a tenant at that location. As to any other times, Respondent is not certain as to the operations conducted at the ARCD site.
- 6) Respondent neither admits or denies the allegations contained in paragraph six but demands affirmative proof thereof.
- 7) Respondent neither admits or denies the allegations contained in paragraph seven but demands affirmative proof thereof.
- 8) Respondent neither admits or denies the allegations contained in paragraph eight but demands affirmative proof thereof.
- 9) Respondent neither admits or denies the allegations contained in paragraph nine pertaining to the inspection date and observations. Respondent denies that the spillage in question contaminated the ground and gravel.

10) Respondent denies the allegations contained in paragraph ten because the ground and gravel was not contaminated.

11) Respondent denies the allegations contained in paragraph eleven because the ground and gravel was not contaminated.

12) Respondent denies the allegations contained in paragraph twelve because the ground and gravel was not contaminated.

13) Respondent denies the allegations contained in paragraph thirteen because the ground and gravel was not contaminated.

14) Respondent denies the allegations contained in paragraph fourteen. Respondent did not allow open dumping.

15) Respondent denies the allegations contained in paragraph fifteen.

16) Respondent denies the allegations contained in paragraph sixteen.

COUNT II
WASTE SAMPLING VIOLATIONS

1) Respondent realleges and incorporates herein paragraphs 1-14 of Count I of this Answer as paragraph 1-14 of Count II of this Answer.

15) Respondent neither admits or denies the allegations contained in paragraph fifteen but demands affirmative proof thereof.

16) Respondent neither admits or denies the allegations contained in paragraph sixteen but demands affirmative proof thereof.


17) Respondent denies that allegations of paragraph seventeen. Testing was completed December 20, 2000.

18) Respondent denies the allegations of paragraph eighteen.

WHEREFORE, Respondent Auto Recyclers - C. & D. Ent., Inc. prays that the Complainant's Complaint be dismissed and Complainant be held responsible for Respondent's costs and attorney fees.

Auto Recyclers - C. & D. Ent., Inc.,

By: _____


Kevin N. McDermott
their attorney

Kevin N. McDermott
Attorney
15 South Old State Capitol Plaza
Springfield, Illinois 62701
217/753-4070
Registration No. 06196497

RECEIVED
CLERK'S OFFICE

NOV 17 2004

STATE OF ILLINOIS
Pollution Control Board

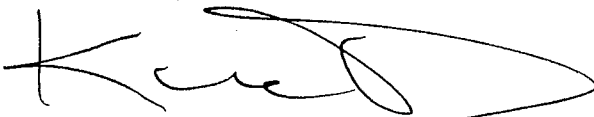
PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon those parties named below by enclosing the same in an envelope addressed to such such parties at their address as disclosed below, with postage fully prepaid and by depositing said envelope in a US Post Office mail box located in Springfield, Illinois, the 15th day of November, 2004.

Jennifer Bonkowski
Office of the Attorney General
State of Illinois
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

The Honorable Dorothy Gunn
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph Street
Chicago, Illinois 60601

The Honorable Carol Sudman
Illinois Pollution Control Board
1021 N. Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274



Kevin N. McDermott

RECEIVED
CLERK'S OFFICE

NOV 17 2004

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon those parties named below by enclosing the same in an envelope addressed to such parties at their address as disclosed below, with postage fully prepaid and by depositing said envelope in a US Post Office mail box located in Springfield, Illinois, the 15th day of November, 2004.

STATE OF ILLINOIS
Pollution Control Board

Jennifer Bonkowski
Office of the Attorney General
State of Illinois
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

The Honorable Dorothy Gunn
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph Street
Chicago, Illinois 60601

The Honorable Carol Sudman
Illinois Pollution Control Board
1021 N. Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274



Kevin N. McDermott