

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF
ILLINOIS,

Complainant,

v.

GENERAL WASTE SERVICES, INC.,

Respondent.

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CLERK'S OFFICE

PCB No. 07-45

FEB 14 2007

(Enforcement)

STATE OF ILLINOIS
Pollution Control Board

ANSWER OF RESPONDENT

Respondent, GENERAL WASTE SERVICES, INC., by its attorney, Thomas J. Immel, of Feldman, Wasser Draper and Benson, hereby Answers the Complaint filed in the instant cause, and states as follows:

1. Paragraph 1 of the Complaint makes no claim against the Respondent, and no response is offered thereto.
2. Paragraph 2 of the Complaint makes no claim against the Respondent, and no response is offered thereto.
3. Respondent admits the allegations of Paragraph 3 of the Complaint.
4. Respondent admits the allegations of Paragraph 4 of the Complaint.
5. Respondent admits the allegations of Paragraph 5 of the Complaint.
6. Respondent admits, in part, the allegations of Paragraph 6 of the Complaint; and, further answering, states that the ceiling material being removed by

Respondent on August 4, 2005 did not contain asbestos, as confirmed by two (2) samples of said ceiling material collected by the EPA Inspector on that date and tested by EPA. EPA reports that the test results were Negative for asbestos-containing material ("ACM").

7. Respondent denies the allegations of Paragraph 7 of the Complaint; and further answering states: a) water was being used to wet all material being removed, though the water supply was impaired from time to time due to electrical problems in the vacant building not within the control of Respondent; b) no material being removed was ever dropped over a railing into a foyer area; c) no "debris" on a stairway was every sampled by EPA; and d) the sample collected by the EPA Inspector that did test positive for ACM was collected from a stored drum of material previously removed from another location in the building at a time and place remote from the area inspected on August 4, 2005, at which time and place the EPA Inspector was not even present.

8. Paragraph 8 of the Complaint makes no claim against the Respondent, and no response is offered thereto.

9. Paragraph 9 of the Complaint makes no claim against the Respondent, and no response is offered thereto.

10. Paragraph 10 of the Complaint makes no claim against the Respondent, and no response is offered thereto.

11. Paragraph 11 of the Complaint makes no claim against the Respondent, and no response is offered thereto.

12. Respondent admits the allegations of Paragraph 12 of the Complaint.

13. Respondent denies the allegations of Paragraph 13 of the Complaint; and, further answering, again notes that two samples collected by the EPA Inspector tested negative for the presence of ACM; and, further, the entire area referenced in the Complaint was within a well constructed, negative air containment.

14. Respondent denies the allegations of Paragraph 14 of the Complaint; and, further answering, again notes that two samples of the specific material in question were collected by the EPA Inspector tested negative for the presence of ACM.

15. Respondent denies the allegations of Paragraph 15 of the Complaint; and, further answering, again notes that two samples of the specific material in question were collected by the EPA Inspector tested negative for the presence of ACM.

WHEREFORE, Respondent prays that the above entitled Complaint be dismissed with prejudice, and that Respondent be awarded its costs.

Respectfully submitted,

GENERAL WASTE SERVICES, INC.

By: 

Thomas J. Immel, Atty.Reg.#1301209

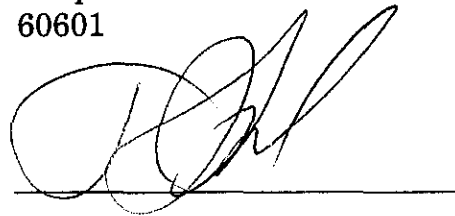
CERTIFICATE OF SERVICE

The undersigned of FELDMAN, WASSER, DRAPER & BENSON hereby certifies that a copy of the foregoing Answer was served upon each of the addressees hereinafter set forth by enclosing the same in an envelope plainly addressed to each of the said addresses, with postage fully prepaid, and depositing same in a U.S. Mail Box in Springfield, Illinois on this 7th day of February, 2007:

Michael D. Mankowski
IL Attorney General's Office
Environmental Bureau
500 S. 2nd Street
Springfield, IL 62706

and that the original and ten (10) copies were mailed by First Class Mail, with postage fully prepaid, to:

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

A handwritten signature in black ink, appearing to be 'D. Gunn', is written over a horizontal line.