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AUG 14 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS)
 by LISA MADIGAN, Attorney General)
 of the State of Illinois,)
)
 Complainant,)
)
)
 V.)
)
)
 MICK MORFEY, individually, and)
 WILLIAM KNAUER, individually,)
)
 Respondents.)

PCB NO 07-144
(Enforcement-Air)

NOTICE OF FILING

TO: Steven J. Sylvester
Assistant Attorney General
69 W. Washington Suite 1800
Chicago, IL 60602

TO: Rose Marie Cazeau
Assistant Attorney General
69 W. Washington Suite 1800
Chicago, IL 60602

PLEASE TAKE NOTICE that today August 14, 2007, I have filed with the Office of the Clerk of the Illinois Pollution Control Board the following Answer a true and correct copy of which is attached and hereby served upon you.

By: James Macchitelli
James Macchitelli
Attorney at Law
7247 W. Touhy Ave.
Chicago, IL 60631
(773) 631-1500

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STATE OF ILLINOIS
Pollution Control Board

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PEOPLE OF THE STATE OF ILLINOIS)
 By LISA MADIGAN, Attorney General)
 Of the State of Illinois,)
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NOW COMES, the Respondent MICK MORFEY, by and through his attorney JAMES MACCHITELLI, in his answer to the complaint and states as follows to wit:

COUNT I

1. Respondent admits said complaint is brought on behalf of the People of the State of Illinois.
2. Respondent admits the IEPA is an administrative agency.
3. Respondent admits he is an Illinois resident.
4. Respondent makes no response as to the status of William Knauer as said paragraph does not apply to respondent.
5. Respondent denies allegation in Paragraph 5.
6. Respondent neither admits nor denies but demands strict proof thereof
7. Respondent neither admits nor denies but demands strict proof thereof.
8. Respondent neither admits nor denies but demands strict proof thereof.
9. Respondent neither admits nor denies but demands strict proof thereof.
10. Respondent neither admits nor denies but demands strict proof thereof.

11. Respondent denies the allegation in paragraph 11.
12. Respondent admits that there are federal regulations governing "RACM."
13. Respondent neither admits nor denies but demands strict proof thereof.
14. Respondent neither admits nor denies but demands strict proof thereof.
15. Respondent neither admits nor denies but demands strict proof thereof.
16. Respondent neither admits nor denies but demands strict proof thereof.
17. Respondent neither admits nor denies that "RACM" remained at the site until October 30, 2006 and demands strict proof thereof; Respondent admits that remediation was conducted at the site.
18. Respondent admits the existence of a "Clean Air Act"
19. Respondent neither admits nor denies but demands strict proof thereof.
20. Respondent admits the existence of 514 ILCS 5/9(a) 2004.
21. Respondent admits the existence of Air Pollution Regulation.
22. Respondent admits the existence of Air Pollution Regulation.
23. Respondent admits the existence of Air Pollution Regulation.
24. Respondent admits the existence of Air Pollution Regulation.
25. Respondent admits the existence of Air Pollution Regulation.
26. Respondent admits he is an individual.
27. Respondent admits that the respondent William Knauer is a "Person"
28. Respondent denies the allegation in Paragraph 28.
29. Respondent denies the allegation in Paragraph 29.
30. Respondent denies the allegation in Paragraph 30.

WHEREFORE, Respondent, MICK MORFEY, respectfully request that all charges be dismissed as alleged against him in Count I and the board grant such further relief that the board deems just.

COUNT II

1-22 Respondent re-alleges and incorporates by reference Paragraphs 1-19 and 25 through 27 of Count I as Paragraph 1 through 22 of this Count II.

23. Respondent admits the existence of 415 ILCS 5/9 Et Seq.
24. Respondent admits the existence of a Clean Air Act.
25. Respondent admits the existence of 42 C.S.C et seq.
26. Respondent neither admits nor denies but demands strict proof thereof.
27. Respondent admits the existence of 40 CFR et Seq.
28. Respondent denies the allegation in Paragraph 28.
29. Respondent denies the allegation of removal as applied to respondent.
30. Respondent denies the allegation in Paragraph 30.
31. Respondent neither admits nor denies but demands strict proof thereof.
32. Respondent denies the allegation that respondent disturbed any material, and admits the existence of 40 CFR et Seq.
33. Respondent admits of a term "RACM" but denies the remaining allegations.
34. Respondent admits the existence of 40 CFR et Seq.
35. Respondent denies the allegations in paragraph 35.
36. Respondent admits the existence of 40 CFR et Seq.
37. Respondent denies all allegations in Paragraph 37.
38. Respondent denies all allegations in Paragraph 38.

39. Respondent denies the allegation of “notification” as respondent is not responsible under 40 CFR et Seq.
40. Respondent denies the allegation of “notification” as respondent is not responsible under 40 CFR et Seq.

WHEREFORE, Respondent, MICK MORFEY, respectfully request that all charges be dismissed as alleged against him in Count II and that the board grant such other relief that the Board Deems Just.

COUNT III

1-35. Respondent re-alleges and incorporates by reference herein paragraphs 1 through 19 and 25 through 27 of Count I and Paragraphs 23 through 35 of Count II as paragraphs 1 through 35 of Count III.

36. Respondent admits the existence of 40 CFR et Seq.
37. Respondent admits the existence of 40 CFR et seq.
38. Respondent denies all allegations in Paragraph 38.
39. Respondent denies all allegations in Paragraph 39.
40. Respondent denies all allegations in Paragraph 40.
41. Respondent denies all allegations in Paragraph 41.
42. Respondent denies all allegations in Paragraph 42.
43. Respondent denies all allegations in Paragraph 43.
44. Respondent denies the allegation in Paragraph 44 as respondent is not responsible for any violation.
45. Respondent denies the allegation in Paragraph 45 as respondent is not responsible for any violation.
46. Respondent denies the allegation in Paragraph 46 as respondent is not responsible for any violation.

47. Respondent denies the allegation in Paragraph 47 as respondent is not responsible for any violation

WHEREFORE, the Respondent, MICK MORFEY, respectfully requests that all charges be dismissed as alleged against him in Count III and the board grant such other relief that the Board deems just.

COUNT IV

1-35. Respondent re-alleges and incorporates by reference herein Paragraphs 1 through 19 and 25 through 27 of Count I and Paragraphs 23 through 35 of Count II as Paragraphs 1 through 3 of Count IV.

36. Respondent admits the existence of 40 CFR et seq.
37. Respondent admits the existence of 40 CFR et seq.
38. Respondent denies the allegation of "removal" and neither admits nor denies the remaining allegations but demands strict proof thereof.
39. Respondent denies the allegation ins in paragraph 39 as respondent is not responsible for any violation.
40. Respondent denies the allegation ins in paragraph 39 as respondent is not responsible for any violation.

WHEREFORE, the respondent, MICK MORFEY, respectfully requests that all charges as alleged against him in Count IV be dismissed as alleged against him and the Board Grant such other relief as the Board deems Just.

COUNT V

1-35. Respondent re-alleges and incorporates by reference herein Paragraphs 1 through 19 and 25 through 27 of Count I and paragraphs 23 through 25 of count II, as paragraphs 1 through 35 of this Count V.

36. Respondent admits the existence of 415 ILCS 5/9 13 (a)...
37. Respondent denies the allegations of paragraph 37 as respondent is not responsible for any violation.
38. Respondent denies the allegation of "removal" and all other remaining allegations of paragraph 38
39. Respondent admits the he paid \$ 300.00 and did so upon an order from an IEPA Official.
40. Respondent denies the allegation in paragraph 40.

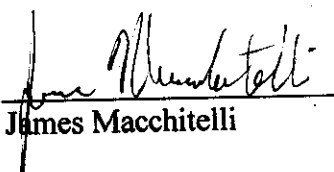
WHEREFORE, the Respondent, MICK MORFEY, respectfully requests that all charges be dismissed as alleged against him in Count V and that the Board grant such other relief that the Board deems just.

COUNT VI

1-22. Respondent re-alleges and incorporates by reference herein paragraphs 1 through 19 and 25 through 27 of Count 1 as Paragraphs 1 through 22 of this Count VI.

23. Respondent admits the existence of 415 ILCS 5/9 2004.
24. Respondent admits the existence of 415 ILCS 513. 385 2004
25. Respondent admits the existence of 415 ILCS 513 535
26. Respondent denies any allegation contained in Paragraph 26 that respondent removed any wooden doors for burning.
27. Respondent denies the allegation in Paragraph 27

WHEREFORE, the Respondent, MICK MORFEY, respectfully request that all charges against him in COUNT VI be dismissed as alleged against him and that the Board grand such other relief that the Board deems just.

By 
James Macchitelli

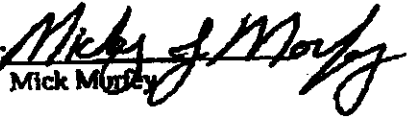
CERTIFICATE OF SERVICE

I, James Macchitelli, do certify that a true and correct copy of the Answer to the Complaint and Notice of Filing were sent by U.S. Mail to the persons listed on the Notice of Filing on 8/14 2007.

By James Macchitelli
James Macchitelli

Verification

Under penalties as provided by law, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters therein stated to be on the information and belief as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

By: 
Mick Murphy