

June 7, 2010

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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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PEOPLE OF THE STATE OF ILLINOIS

Complainant,

PCB 10-71  
(Enforcement-Land)

v.

87<sup>th</sup> & GREENWOOD, LLC, a Delaware  
Limited Liability Company,  
INNOVATIVE RECYCLING  
TECHNOLOGIES, INC., a Connecticut  
corporation, and LAND RECLAMATION  
SERVICES, INC., an Illinois corporation,

Respondents.

-----X

**NOTICE OF ELECTRONIC FILING**

To: CHRISTOPHER GRANT  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., #1800  
Chicago, IL 60602

BRETT D. HEINRICH  
MATTHEW E. COHN  
MEGAN E. GARVEY  
Meckler Bulger Tilson Marick & Pearson LLP  
123 North Wacker Drive, Suite 1800  
Chicago, IL 60606

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an Answer of 87<sup>th</sup> Greenwood, LLC, Notice of Filing and Certificate of Service copies of which are herewith served upon you.

Dated: June 7, 2010

Respectfully submitted,

By:   
David A. Loglisci

David A. Loglisci  
Agovino & Asselta, LLP  
170 Old Country Road, Suite 608  
Mineola, NY 11501  
Phone: (516) 248-9880  
Fax: (516) 248-3540

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ANSWER OF 87<sup>th</sup> & GREENWOOD, LLC

Respondent, 87<sup>th</sup> & Greenwood, LLC, a Delaware Limited Liability Company, by and  
through its attorneys, Agovino & Asselta LLP, answers the Complaint as follows:

**COUNT I**  
**OPEN DUMPING OF WASTE**

1. The allegations contained in paragraph 1 of the Complaint constitute legal conclusions to which no response is required. To the extent that a response is required, Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations.

2. The allegations contained in paragraph 2 of the Complaint constitute legal conclusions to which no response is required. To the extent that a response is required,

Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations.

3. Respondent admits the allegations contained in paragraph 3 of the Complaint.

4. Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 4 and 5 of the Complaint.

5. Respondent admits the allegations contained in paragraph 6 of the Complaint.

6. Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint.

7. Respondent admits the allegations contained in paragraphs 8, 9 and 11 of the Complaint.

8. Respondent denies having knowledge of information sufficient to form a belief as to the truth of the allegations contained in paragraphs 10, 12, 13, 14, 15, 16 and 17 of the Complaint.

9. With respect to paragraph 18 of the Complaint, Respondent admits that Illinois sent a violation notice to Respondent and respectfully refers the Board to said document for the contents thereof.

10. Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 19 and 20 of the Complaint.

11. With respect to the allegations contained in paragraph 21 of the Complaint, Respondent admits only that it proposed a CCA to the Illinois EPA and that it received a letter from the Illinois EPA in response.

12. Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 22 and 23 of the Complaint.

13. With respect to the allegations contained in paragraph 24 of the Complaint, Respondent admits only that it received a NIPLA from the Illinois EPA.

14. Respondent denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of the Complaint.

15. The allegations contained in paragraphs 26, 27, 28, 29, 30 and 31 of the Complaint constitute legal conclusions to which no response is required.

16. The allegations contained in paragraph 32 of the Complaint constitute a legal conclusion to which no response is required. To the extent that a response is required, Respondent denies same.

17. The allegations contained in paragraphs 33 and 34 of the Complaint constitute legal conclusions to which no response is required.

18. Respondent denies the allegations contained in paragraph 35 of the Complaint.

19. The allegations contained in paragraph 36 of the Complaint constitute a legal conclusion to which no response is required.

20. The allegations contained in paragraph 37 of the Complaint constitute a legal conclusion to which no response is required. To the extent that a response is required, Respondent denies same.

21. Respondent denies the allegations contained in paragraph 38 of the Complaint.

COUNT II  
WASTE DISPOSAL AT AN IMPROPER SITE

22. Respondent repeats and realleges its responses to paragraphs 1 through 25, 27 through 28 and 30 through 37 of Count I as if fully set forth herein.

23. The allegations contained in paragraph 36 of Count II of the Complaint constitute a legal conclusion to which no response is required.

24. Respondent denies the allegations contained in paragraph 37 of Count II of the Complaint.

COUNT III  
CONDUCTING A WASTE DISPOSAL OPERATION WITHOUT A PERMIT


25. This Count is not directed against this Respondent and, therefore, no response by this Respondent is required. To the extent that a response is required, Respondent repeats and realleges its responses to paragraphs 1 through 17, 20, 23, 27, 28 and 30 through 37 of Count I as if fully set forth herein, and denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 30, 31 and 32 of Count III of the Complaint.

WHEREFORE, Respondent, 87<sup>th</sup> & Greenwood, LLC, requests that the Board enter an order dismissing the Complaint as against said Respondent, together with such other and further

relief as the Board deems just and proper, including costs and disbursements.

Dated: Mineola, New York  
June 4, 2010

Respectfully submitted,

By:   
Joseph P. Asselta, Esq.

Agovino & Asselta, LLP  
Attorneys for Respondent  
87<sup>th</sup> & Greenwood, LLC  
170 Old Country Road, Suite 608  
Mineola, NY 11501  
Phone: (516) 248-9880  
Fax: (516) 248-3540

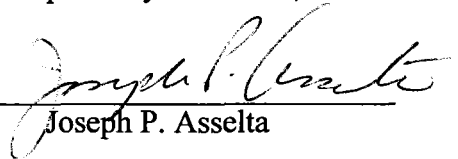
**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served copies of an Answer of 87<sup>th</sup> & Greenwood, LLC, Notice of Filing and Certificate of Service for Joseph P. Asselta on behalf of Respondent, 87<sup>TH</sup> & GREENWOOD, LLC, via the United States Postal Service on or before 5:00 p.m. on June 4, 2010 on the following:

Christopher Grant  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., #1800  
Chicago, IL 60602

Brett D. Heinrich  
Matthew E. Cohn  
Megan E. Garvey  
Meckler Bulger Tilson Marick & Pearson LLP  
123 North Wacker Drive, Suite 1800  
Chicago, IL 60606

Respectfully submitted,

By:   
Joseph P. Asselta

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Agovino & Asselta, LLP  
170 Old Country Road, Suite 608  
Mineola, NY 11501  
Phone: (516) 248-9880  
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