

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,  
Complainant,  
v.

PCB No. 12-21  
(Enforcement - -Land)

ACTIVITY PACKAGING, LLC,  
a Delaware limited liability company  
INTRA-PLANT MAINTENANCE  
CORPORATION, an Illinois corporation,  
IRONHUSTLER EXCAVATING, INC.,  
an Illinois corporation, and  
RON BRIGHT, d/b/a Quarter Construction,

Respondents.

**ANSWER TO COMPLAINT OF RON BRIGHT d/b/a Quarter Construction &  
IRONHUSTLER EXCAVATING, INC.**

COME NOW, RON BRIGHT d/b/a Quarter Construction & IRONHUSTLER EXCAVATING, INC., by their undersigned attorney, and for their respective answers to the above entitled Complaint, state as follows:

Counts I & III

Counts I and III make no claim against Respondents RON BRIGHT d/b/a Quarter Construction & IRONHUSTLER EXCAVATING, INC., and no response is offered thereto.

**Count II**

**(against RON BRIGHT \_\_\_\_\_ a Quarter Construction)**

1-20. Respondent RON BRIGHT d/b/a Quarter Construction (hereinafter "Bright") has no knowledge whatever concerning the matters asserted in Paragraphs 1-20 of

the Complaint, lacks any information which would place him in a position to admit or deny same, and therefore demands strict proof thereof.

22. Respondent Bright admits that EPA has visited his site, and otherwise denies the allegations of Paragraph 21 of the Complaint in that the "material" referenced in the Complaint is recycled aggregate laden soil being beneficially re-used by Bright as road base. Bright further denies that any "material" has been disposed of at his site or that he is operating a landfill.

23. Respondent denies the allegations of Paragraph 23.

24. Respondent denies the allegations of Paragraph 24.

WHEREFORE, Respondent RON BRIGHT d/b/a Quarter Construction prays for the following relief:

- A. That this matter be dismissed as to him with prejudice.
- B. That he be awarded his reasonable attorney's fees and costs.

**Count IV**

**(against IRONHUSTLER EXCAVATING, INC.)**

1-5. Respondent IRONHUSTLER EXCAVATING, INC. (hereinafter "Ironhustler") has no knowledge whatever concerning the matters asserted in Paragraphs 1-5 of the Complaint, lacks any information which would place it in a position to admit or deny same, and therefore demands strict proof thereof.

6. Ironhustler denies the allegations of Paragraph 6 insofar as the term "miscellaneous material" is used to identify what is in fact the native riverfront soil

at the Altivity site, whose high aggregate content, as reported to Ironhustler by the general contractor, rendered it unsuitable for foundation support.

7. On information and belief, Ironhustler believes the information contained in Paragraph 7 is true and therefore admits same.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

12. Ironhustler denies having "disposed" of anything as alleged in Paragraph 12. 13-21. Respondent IRONHUSTLER EXCAVATING, INC. (hereinafter "Ironhustler") has no knowledge whatever concerning the matters asserted in Paragraphs 13-21 of the Complaint, lacks any information which would place it in a position to admit or deny same, and therefore demands strict proof thereof.

22. Admitted.

23. Ironhustler denies the allegations of Paragraph 23.

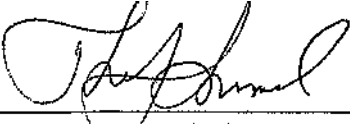
24. Ironhustler denies the allegations of Paragraph 24.

WHEREFORE, Respondent IRONHUSTLER EXCAVATING, INC. prays for the following relief:

- A. That this matter be dismissed as to it with prejudice.
- B. That it be awarded its reasonable attorney's fees and costs.

Respectfully submitted,

RON BRIGIT d/b/a Quarter Construction  
& IRONHUS , LER EXCAVATING, INC., Respondents

By:   
Thomas J. Timmel, Their Attorney

Feldman Wasser Draper & Cox  
PO Box 2418,  
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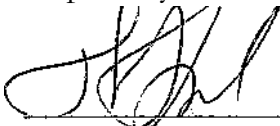
Respondents.

**NOTICE OF ELECTRONIC FILING**

To: See Attached Service List

PLEASE TAKE NOTICE that on October 26, 2011, I electronically filed with the Office of Clerk of the Pollution Control Board an ANSWER on behalf of Respondents IRONHUSTLER EXCAVATING, INC., and RON BRIGHT, d/b/a Quarter Construction, a copy of which is herewith served upon you.

Respe fully ubmitted,



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[timmel@feldman-wasser.com](mailto:timmel@feldman-wasser.com)

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a copy of the foregoing Notice of Electronic Filing and Answer has been served upon the following persons by placing the same in a sealed envelope, addressed as stated, with First Class postage fully prepaid and by depositing the same in the United States mail at Springfield, Illinois this 26th day of October, 2011:

Eleni Kouimelis  
Winston & Strawn LLP  
35 W. Wacker Dr.  
Chicago, IL 60601

Raymond Callery, AAG - Environmental  
Office of the Illinois Attorney General  
500 South Second Street  
Springfield, IL 62706

Charles Rock, Esq.  
Hasselberg Rock Bell & Kuppler  
Associated Bank Building, Suite 200  
4600 N. Brandywine Drive  
Peoria, IL 61614

and electronically filed with the Clerk of the Pollution Control Board on the same date.



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Thomas J. Immel, Reg, # 1301209