

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
COMPLAINANT )  
)  
VERSUS )  
)  
DEMOLITION EXCAVATING )  
GROUP, INC., A DISSOLVED )  
ILLINOIS CORPORATION, )  
EDWARD FISHER, AND )  
RHONDA FISHER, )  
)  
RESPONDENTS )

PCB #2017-046

RECEIVED  
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JUN 19 2017

STATE OF ILLINOIS  
Pollution Control Board

ANSWER

NOW COME Edward Fisher (Ed) and Rhonda Fisher (Rhonda), two of the respondents, by Gerald L. Hall, their attorney, and for answer to the various counts of the plaintiff's complaint, he states as follows...

COUNT I: OPEN DUMPING

1. That they admit the allegations of paragraphs #1 through #5.
6. That they deny that Edward Fisher ever was a shareholder of DEG and admit the remainder of the allegations of paragraph #6, stating further for purposes of this entire answer that Edward Fisher was an unpaid consultant to DEG and Rhonda Fisher was DEG's sole shareholder and director and an employee.

7. That they deny that Edward Fisher ever was a manager of DEG and admit the remainder of the allegations of paragraph #7.

8. That they deny that Edward Fisher ever controlled the operations of DEG and admit the remainder of the allegations of paragraph #8, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

9. That they admit the allegations of paragraph #9.

10. That they deny that Edward Fisher or Rhonda Fisher ever were the operators of demolition activities at the site and admit the remainder of the allegations of paragraph #10, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

11. That they deny the allegations of paragraph #11, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

12. That they deny the allegations of paragraph #12, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

13. That they deny the allegations of paragraph #13, but state further that Edward Fisher did participate in backfilling an excavation site with proper material.

14. That they deny the allegations of paragraph #14, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

15. That they deny the allegations of paragraph #15, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

16. That they deny the allegations of paragraph #16, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

17. That they admit the allegations of paragraph #17, stating further that to the extent that Rhonda Fisher was involved in demolition activities at the site, she did so as a DEG employee, not individually.

18. That they admit the allegations of paragraph #18, stating further that from November 6, 2012 through October 30, 2013, DEG was barred by the owner from conducting demolition activities on the site.

19 through 21. That they admit the allegations of paragraphs #19 through #21.

22 through 26. That they lack sufficient knowledge to admit or deny the allegations of paragraph #22 through #26 and demand strict proof thereof, stating further that from November 6, 2012 through October 30, 2013, DEG was barred by the owner from conducting demolition activities on the site.

27. That they admit the allegations of paragraph #27.

28. That they lack sufficient knowledge to admit or deny the allegations of paragraphs #28 and demand strict proof thereof.

29. That they admit the allegations of paragraph #29 except for the allegation as to what material was being used to fill an excavation pit on the site.

30. That they admit the allegations of paragraph #30.

31. That they deny the allegations of paragraph #31.

32 and 33. That they admit the allegations of paragraphs #32 and #33.

34. That they admit the allegations of paragraph #34, stating further for clarification that to the extent that wood and metal were commingled with dirt,

such was not for the purpose of burial of the debris but occurred from the dozer operator piling the material for removal.

35 through 38. That they admit the allegations of paragraphs #35 through #38.

39. That they admit the allegations of paragraph #39 except for Edward Fisher being present on behalf of DEG, which they deny since he was an unpaid consultant to the job and not a DEG employee.

40. That they admit the allegations of paragraph #40.

41. That they deny the allegations of paragraph #41.

42 through 46. That they admit the allegations of paragraphs #42 through #46.

47. That they deny the allegations of paragraph #47, noting further that to try to bootstrap Edward Fisher or Rhonda Fisher personally on the basis of the language of Section 3.315 is a far stretch of the intent of the statute and is about as foolhardy as saying that an employee or consultant of the state of Illinois personally is responsible for the state's financial problems just because the person happens to be an employee or a consultant of the state of Illinois.

48. That they deny the allegations of paragraph #48.

49 and 50. That they admit the allegations of paragraphs #49 and #50.

51. That they deny the allegations of paragraph #51.

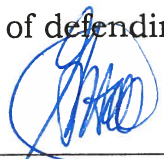
52 and 53. That they admit the allegations of paragraphs #52 and #53.

54. That they deny the allegations of paragraph #54.

55 and 56. That they deny the allegations of paragraphs #55 and #56.

57. That they will incur attorney fees in the course of defending the allegations of this count the complaint, and upon a finding in favor of the two respondents and against the plaintiff, it would be appropriate that the board award the two respondents their attorney fees.

WHEREFORE, Edward Fisher and Rhonda Fisher, two of the respondents, by Gerald L. Hall, their attorney, pray that the board conduct a proper hearing on the merits and enter judgment for the two respondents and against the complainant and award the two respondents their attorney fees incurred in the course of defending the allegations of this count the complaint.



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GERALD L. HALL, ESQ.  
ATTORNEY FOR EDWARD FISHER  
AND RHONDA FISHER

COUNT II: OPEN DUMPING RESULTING IN LITTER

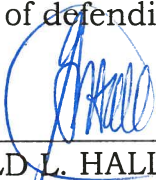
1 through 52. That they repeat and restate their answers to allegations #1 through #52 above the same as if set forth here verbatim.

53 and 54. That they admit the allegations of paragraphs #53 and #54.

55 through 57. That they deny the allegations of paragraphs #55 through #57.

58. That they will incur attorney fees in the course of defending the allegations of this count the complaint, and upon a finding in favor of the two respondents and against the plaintiff, it would be appropriate that the board award the two respondents their attorney fees.

WHEREFORE, Edward Fisher and Rhonda Fisher, two of the respondents, by Gerald L. Hall, their attorney, pray that the board conduct a proper hearing on the merits and enter judgment for the two respondents and against the complainant and award the two respondents their attorney fees incurred in the course of defending the allegations of this count the complaint.

  
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GERALD L. HALL, ESQ.  
ATTORNEY FOR EDWARD FISHER  
AND RHONDA FISHER

COUNT III: OPEN DUMPING OF DEMOLITION DEBRIS

1 through 52. That they repeat and restate their answers to allegations #1 through #52 above the same as if set forth here verbatim.

53 and 54. That they admit the allegations of paragraphs #53 and #54.

55 through 58. That they deny the allegations of paragraphs #55 through #58.

59. That they will incur attorney fees in the course of defending the allegations of this count the complaint, and upon a finding in favor of the two respondents and against the plaintiff, it would be appropriate that the board award the two respondents their attorney fees.

WHEREFORE, Edward Fisher and Rhonda Fisher, two of the respondents, by Gerald L. Hall, their attorney, pray that the board conduct a proper hearing on the merits and enter judgment for the two respondents and against the complainant and award the two respondents their attorney fees incurred in the course of defending the allegations of this count the complaint.

  
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GERALD L. HALL, ESQ.  
ATTORNEY FOR EDWARD FISHER  
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COUNT IV: FAILURE TO FILE AN INITIAL FACILITY REPORT

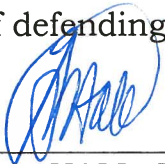
1 through 52. That they repeat and restate their answers to allegations #1 through #52 above the same as if set forth here verbatim.

53 and 56. That they admit the allegations of paragraphs #53 and #56.

57 through 64. That they deny the allegations of paragraphs #57 through #64.

65. That they will incur attorney fees in the course of defending the allegations of this count the complaint, and upon a finding in favor of the two respondents and against the plaintiff, it would be appropriate that the board award the two respondents their attorney fees.

WHEREFORE, Edward Fisher and Rhonda Fisher, two of the respondents, by Gerald L. Hall, their attorney, pray that the board conduct a proper hearing on the merits and enter judgment for the two respondents and against the complainant and award the two respondents their attorney fees incurred in the course of defending the allegations of this count the complaint.

  
\_\_\_\_\_  
GERALD L. HALL, ESQ.  
ATTORNEY FOR EDWARD FISHER  
AND RHONDA FISHER

VERIFICATION BY CERTIFICATION

I, Rhonda Fisher, one of the respondents, certify under the pains and penalties of perjury that the matters and things set forth in the foregoing answer, including statements as to lack of knowledge, are true to the best of our information, knowledge, and belief.



RHONDA FISHER



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GERALD L. HALL, ESQ.  
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AND RHONDA FISHER  
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NOTICE OF FILING

TO: ALL INDIVIDUALS LISTED ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on June 12, 2017, I mailed the original of the attached copy of Edward and Rhonda Fisher's ANSWER to the plaintiff's COMPLAINT together with the attached NOTICE OF FILING and the attached PROOF OF SERVICE to the Clerk of the Illinois Pollution Control Board for filing in the case, copies of which herewith are served upon you.

---

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## SERVICE LIST

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Springfield, IL 62706

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PROOF OF SERVICE

I, Gerald L. Hall, attorney for Edward Fisher and Rhonda Fisher, two of the respondents, certify that I served their ANSWER to the plaintiff's COMPLAINT and the attached NOTICE OF FILING and the attached PROOF OF SERVICE upon the individuals listed on the attached service list by mailing copies thereof in an envelope plainly addressed to each at their respective addresses as are shown on the attached service list, which said envelopes were deposited for mailing with proper postage prepaid in a United States Post Office box in Pekin, Illinois on June 12, 2017 at about 5:00 p.m.

---

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