

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS)
)
 Complainant,)
)
 vs.)
)
HOMEWOOD DISPOSAL SERVICE, INC., an)
Illinois Corporation,)
)
 Respondent.)

Case No. PCB 05-203

ANSWER TO COMPLAINT

NOW COMES Homewood Disposal Service, Inc. an Illinois Corporation, and for answer to the Complaint filed in the above captioned matter, states as follows:

COUNT I

MODIFICATION OF A WASTE MANAGEMENT SITE WITHOUT A PERMIT

1. The Respondent denies the allegations set forth in paragraph 1 for lack of information and belief.
2. The Respondent admits the allegations set forth in paragraph 2 of Count I of said Complaint.
3. The Respondent admits the allegations set forth in paragraph 3 of Count I of said Complaint.
4. The Respondent admits the allegations set forth in paragraph 4 of Count I of said Complaint.
5. The Respondent admits the allegations set forth in paragraph 5 of Count I of said Complaint.

6. As Count I of said Complaint does not include a paragraph 6 the Respondent makes no answer to this paragraph.

7. The Respondent admits the allegations set forth in paragraph 7 of Count I of said Complaint.

8. The Respondent admits the allegations set forth in paragraph 8 of Count I of said Complaint.

9. The Respondent admits the allegations set forth in paragraph 9 of Count I of said Complaint.

10. The Respondent admits the allegations set forth in paragraph 10 of Count I of said Complaint.

11. The Respondent admits the allegations set forth in paragraph 11 of Count I of said Complaint.

12. The Respondent admits the allegations set forth in paragraph 12 of Count I of said Complaint.

13. The Respondent admits so much of paragraph 13 of Count I of the Complaint that alleges that at some time prior to February 6, 2004 the Respondent modified its site by adding an addition to the building, but denies that portion of paragraph 13 which alleges that the Respondent did not seek or obtain a permit for said modifications before they were completed, and affirmatively states that the Respondent believed in good faith that the expansion was within

the boundaries included in necessary permit approvals, and no further permit authorization for such modifications was necessary.

14. The Respondent admits so much of paragraph 14 as alleges that the Respondent has obtained requisite supplemental permits addressing the previous modification to the facility, as well as several additional ones. The Respondent further affirmatively states that it believed in good faith that all such modifications had already been included in certain permit approvals, and that no further permit authorization for such modification was necessary.

15. The Respondent denies the allegations set forth in paragraph 15 of Count I of the Complaint, and further affirmative states that the Respondent has substantially complied with any and all applicable statutory and regulatory permit requirements referred to by the Complainant in Count I of the Complaint.

WHEREFORE, the Respondent, Homewood Disposal Service prays that this Honorable Board enter an Order dismissing Count I of such Complaint, all at the cost of the Complainant, and for such further and other relief as this Honorable Board deems appropriate and just.

COUNT II

VIOLATION OF SPECIAL PERMIT CONDITION

1-12. The Respondent realleges and reincorporates by references its answers to paragraphs 1-12 of Count I as if fully and completely set forth herein.

13. The Respondent admits the allegations set forth in paragraph 13 of Count II of said Complaint.

14. The Respondent admits the allegations set forth in paragraph 14 of Count II of said Complaint.

15. The Respondent admits the allegations set forth in paragraph 15 of Count II of said Complaint.

16. The Respondent denies the allegations set forth in paragraph 16 of Count II of said Complaint, and further affirmatively states that at all times material herein, it had reasonably relied upon representations made by the Illinois Environmental Protection Agency concerning the status of its closure plan. The Respondent further affirmatively states that it has substantially complied with all statutory and regulatory permit requirements as referred to by the Complainant.

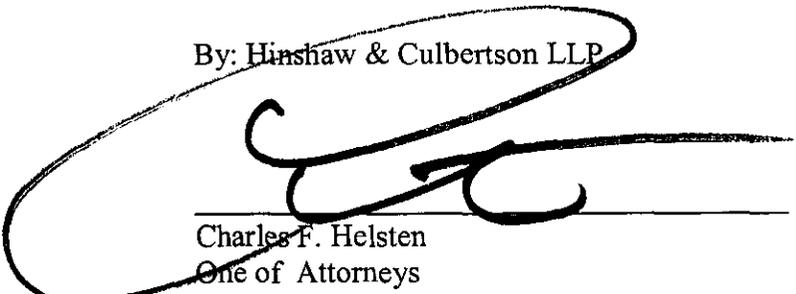
WHEREFORE, the Respondent, Homewood Disposal Service prays that this Honorable Board enter an Order dismissing Count I of such Complaint, all at the cost of the Complainant, and for such further and other relief as this Honorable Board deems appropriate and just.

April 6, 2006

Respectfully Submitted,

On behalf of the HOMEWOOD DISPOSAL SERVICES, INC.

By: Hinshaw & Culbertson LLP



Charles F. Helsten
One of Attorneys

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AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on April 6, 2006, a copy of the foregoing was served upon:

Dorothy M. Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, IL 60601-3218	Paula Becker Wheeler Office of the Attorney General 188 West Randolph, 20 th Floor Chicago, IL 60601
Brad Halloran Hearing Officer Illinois Pollution Control Board 100 West Randolph, 11th Floor Chicago, IL 60601	

By depositing a copy thereof, enclosed in an envelope in the United States Mail at Rockford,, Illinois, proper postage prepaid, before the hour of 5:00 P.M., addressed as above.



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