



RECEIVED
CLERK'S OFFICE

APR 24 2006

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

STATE OF ILLINOIS
Pollution Control Board

Lisa Madigan
ATTORNEY GENERAL

April 20, 2006

The Honorable Dorothy Gunn
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, Illinois 60601

Re: ***People v. J & S Companies, Inc.***
PCB 06-33

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a Motion for Summary Judgment in regard to the above-captioned matter. Please file the original and return a file-stamped copy to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kristen Gale", is written over a horizontal line.

Kristen Laughridge Gale
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

KLG/pp
Enclosures

CERTIFICATE OF SERVICE

I hereby certify that I did on April 20, 2006, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and MOTION FOR SUMMARY JUDGMENT

To:	J & S Companies, Inc. c/o CT Corporation System, R.A. 208 S. LaSalle St., Ste. 814 Chicago, IL 60604-1101	J & S Companies, Inc. c/o Daniel J. McAuliffe, R.A. 7777 Bonhamme Avenue, Ste. 2004 Clayton, MO 63105
-----	--	--

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794


KRISTEN LAUGHRIDGE GALE
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
)
J & S COMPANIES, INC., a Missouri)
corporation,)
)
Respondent.)

No. PCB 06-33
(Enforcement-Land)

RECEIVED
CLERK'S OFFICE

APR 24 2006

STATE OF ILLINOIS
Pollution Control Board

MOTION FOR SUMMARY JUDGMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Supreme Court Rules 191 and 192, Section 2-1005 of the Code of Civil Procedure, 735 ILCS 5/2-1005 (2004), and Section 101.516 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.516, hereby moves for Summary Judgment against the Respondent, J&S COMPANIES, INC. No Answer or responsive pleadings to the Complaint have been filed and, therefore, no affirmative defenses have been pleaded. Complainant relies upon uncontroverted facts in the attached exhibits and in the Request for Admission of Facts Directed towards J&S Companies, Inc. mailed to Respondent on November 30, 2005 and filed with the Illinois Pollution Control Board ("Board") on December 2, 2005. In support of this Motion, Complainant states as follows:

STATEMENT OF FACTS

1. Respondent, J&S Companies, Inc. is a Missouri corporation. The Respondent's license to do business in Illinois was revoked on December 1, 2005.

2. In 2003, J & S Companies, Inc. demolished the Landsdowne Jr. High School. See Exhibits A (Affidavit of Christopher Cahnovsky), Exhibit B (December 30, 2003 Inspection Report) and Exhibit C (Request for Admission of Fact Directed towards J&S Companies, Inc.).

3. J & S Companies, Inc. hired First Choice Construction, Inc. to haul the construction and demolition debris from the school demolition site. See Exhibit C (Request for Admission of Fact Directed towards J&S Companies, Inc.).

4. Starting on or about February 6, 2003 until about December 3, 2003, First Choice Construction hauled approximately 92 truckloads of construction and demolition debris from the school demolition site to 7401 Bunkum Road, East St. Louis, St. Clair County, Illinois ("disposal site"). See Exhibits A (Affidavit of Christopher Cahnovsky), Exhibit B (December 30, 2003 Inspection Report) and Exhibit C (Request for Admission of Fact Directed towards J&S Companies, Inc.).

5. J & S Companies, Inc. knew that the construction and demolition debris from the school demolition site was disposed of at the demolition site. See Exhibits A (Affidavit of Christopher Cahnovsky), Exhibit B (December 30, 2003 Inspection Report) and Exhibit C (Request for Admission of Fact Directed towards J&S Companies, Inc.).

6. The construction and demolition debris disposed at the disposal site consisted of brick, metal, plaster, paper, wood, pipe insulation, wire, and rebar. See Exhibits A (Affidavit of Christopher Cahnovsky), Exhibit B (December 30, 2003 Inspection Report) and Exhibit C (Request for Admission of Fact Directed towards J&S Companies, Inc.).

7. The disposal site is not permitted by the Illinois Environmental Protection Agency (Illinois EPA) as a sanitary landfill. See Exhibits A (Affidavit of Christopher Cahnovsky), Exhibit B (December 30, 2003 Inspection Report) and Exhibit C (Request for Admission of Fact Directed towards J&S Companies, Inc.).

8. The disposal site does not meet the requirements of the Act and of the regulations and the standards promulgated thereunder. See Exhibits A (Affidavit of Christopher Cahnovsky) and Exhibit B (December 30, 2003 Inspection Report).

9. On September 1, 2005, Complainant filed its complaint.

10. On November 30, 2005, Complainant mailed to Respondent a Request for Admission of Fact. The Request for Admission of Fact was filed with the Board on December 2, 2005.

11. Respondent has failed to respond to the Request for Admission of Fact.

ARGUMENT

The Respondent violated Sections 21(a), 21(d), 21(e), and 21(p) of the Act, 415 ILCS 5/21(a), (d), (e), (p) (2004) for disposing the demolition debris at the disposal site. There are not genuine issues as to any material facts.

- 1) The Respondent open dumped the demolition debris at the disposal site
- 2) The Respondent conducted a waste-storage or waste-disposal operation without a permit granted by the Illinois EPA and in violation of the Board regulations and standards.
- 3) The Respondent disposed, stored or transported waste at and to a site which did not meet the requirements of the Act and standards and regulations promulgated thereunder.
- 4) The Respondent caused or allowed open dumping of waste in a manner which resulted in litter and the deposition of general construction or demolition debris.

Furthermore, Supreme Court Rule 216 and Section 101.618 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.618, states that each of the matters of fact of which admission is requested is admitted unless the party directed the admission files a verified response within 28

days. In this case, the Respondant has failed to file a response to the Request for Admission of Fact. Therefore, all facts stated within the Request for Admission of Fact are admitted.


WHEREFORE, Complainant, People of the State of Illinois, respectfully request that the Board enter a final order:

- A) Granting Complainant's motion for summary judgment;
- B) Finding that the Respondent, J&S Companies, Inc., violated Sections 21(a), 21(d), 21(e), and 21(p) of the Act, 415 ILCS 5/21(a), (d), (e), (p) (2004) ;
- C) Order the Respondent, J&S Companies, Inc., to cease and desist from any further violations of the Act and associated regulations;
- D) Award the Complainant a penalty of \$25,000 for the violations of the Act;
- E) Grant such other relief as the Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
KRISTEN LAUGHRIDGE GALE
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-7968
Dated: April 20, 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	No. PCB 06-33
)	(Enforcement - Land)
J & S COMPANIES, INC., a Missouri)	
corporation, and FIRST CHOICE)	
CONSTRUCTION, INC., an Illinois)	
corporation,)	
)	
Respondents.)	

AFFIDAVIT OF CHRISTOPHER CAHNOVSKY

Upon penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that I verily believes the same to be true:

1. I, CHRISTOPHER CAHNOVSKY, am employed by the Illinois Environmental Protection Agency ("Illinois EPA"), as Regional Manager in the Field Operations Section of the Bureau of Land ("BOL"). I have been employed by the Illinois EPA as Regional Manager for five years. Prior to promotion to Regional Manager, I was an Environmental Protection Specialist conducting solid waste field inspections since May 1990.

2. As part of my duties in the Bureau of Land, I am responsible for supervision of Agency personnel in all aspects of solid waste related activities, including review and commenting on all solid waste inspection reports prior to submittal to the main office. I also perform field inspections for the BOL Collinsville Region of solid waste facilities including but not limited to site visits, interviews, and records review. I have personally been involved in approximately over 1,200 field inspections.

3. I have a bachelor's degree in Animal Science from Southern Illinois University at



Carbondale and a master's degree in Environmental Science/Studies from Southern Illinois University at Edwardsville. I have a Professional Certification of a Certified Hazardous Materials Manager from the Institute of Hazardous Material Management.

4. As a general basis for the opinions and conclusions I provide below, I can state that general construction and demolition debris means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil, rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and piping or metals incidental to any of those materials, as defined by Section 3.160(a) of the Act, 415 ILCS 5/3.160(a).

5. I am familiar with the Illinois Attorney General's case involving and the allegations against J&S Companies, Inc. In support of the People's Motion for Summary Judgment, I provide the following factual statements, personal observations, and opinions and conclusions based upon my experience and expertise.

6. On December 30, 2003, I conducted an inspection at 7401 Bunkum Road in East St. Louis, St. Clair County, Illinois. As part of the regular practice of business at the Illinois EPA, I created an inspection report of what I observed during the inspection. The inspection report was created during and after the inspection. Upon completion of the inspection report, it was kept in the course of regularly conducted business activity at the Illinois EPA. The inspection report I created is attached hereto as Exhibit B.


7. Photographs #1 through #12 of the attached inspection report were taken by me and truly and accurately depict the conditions that I observed at the Site on December 30,

2004.

8. I certify all factual statements, observations, and photographs within the inspection report.

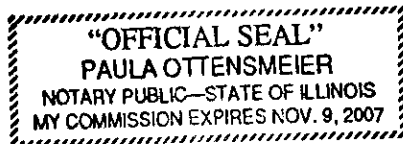
FURTHER AFFIANT SAYETH NOT.

Subscribed and Sworn to before me


CHRISTOPHER CANNOVSKY

this 17th day of April, 2006.


NOTARY PUBLIC



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: St. Clair LPC#: 1630455275 Region: 6 - Collinsville
 Location/Site Name: East St. Louis/McKnight, Jimmy
 Date: 12/30/2003 Time: From 9:50 To 10:20 Previous Inspection Date: _____
 Inspector(s): Chris Cahnovsky Weather: ~45 F soil conditions were wet
 No. of Photos Taken: # 12 Est. Amt. of Waste: 650 yds³ Samples Taken: Yes # _____ No ☒
 Interviewed: Jim McKnight Complaint #: _____

Responsible Party
 Mailing Address(es)
 and Phone
 Number(s):

Jim McKnight - Classic MFG, Inc.
 7401 Bunkum Road
 East St. Louis, Illinois 62204
 618/398-5966

J&S Demolition Division
 902 Cherokee Street
 St. Louis, Missouri 63118
 314/776-4000

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

Revised 06/18/2001



(Open Dump - 1)

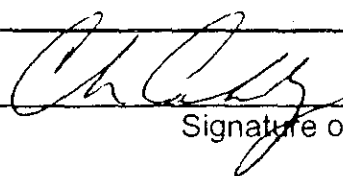
RELEASED

REVIEWED MD

LPC # 1630455275

Inspection Date: 12/30/2003

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>


 Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

1630455275 – St. Clair County
East St. Louis/McKnight
Date of Inspection: December 30, 2003
Prepared by: Chris Cahnovsky

NARRATIVE

On December 30, 2003, I conducted an inspection at 7401 Bunkum Road in East St. Louis, Illinois. This address is the location of Classic Manufacturing, Inc. owned by Jim McKnight. Mr. Jim McKnight was present during this inspection.

I observed about 68 piles of general construction and demolition debris along the entrance road to the property. I also observed about 22 piles of general C&D debris behind the Classic Mfg. building. This general C&D debris consisted of brick, metal, plaster, paper, wood, pipe chase, wire and rebar. The paper appeared to be records associated with a school.

Mr. McKnight stated that this waste was from the Landsdowne Jr. High School and was dumped here by First Choice Trucking. Mr. Knight gave First Choice permission to dump on his property. Apparently, Mr. McKnight asked First Choice for brick to use as a road base. The material I observed during this inspection was what First Choice brought Mr. McKnight. Mr. McKnight stated that he dealt with Mike Bowman of First Choice Trucking.

According to a February 6, 2003 Construction Contract obtained by the St. Clair County Health Department (SCCHD), the East St. Louis Board of Education – District 189 contracted J & S Companies, Inc. of St. Louis, Missouri to demolish the Landsdowne Jr. High School (Attachment 1). Through some means, First Choice brought waste from the Landsdowne demolition site to the McKnight Property. This waste meets the definition of general construction and demolition debris pursuant to Section 3.160a of the Illinois Environmental Protection Act and should have gone to a permitted landfill.

This site first came to the attention of the Illinois EPA on November 21, 2003 when a drive-by inspection was conducted by Mike Grant and Tom Miller of the Illinois EPA. The SCCHD conducted an inspection at this site on November 25, 2003. The Health Department contacted J&S Demolition about the waste. Apparently, J & S was aware that First Choice was hauling waste to the McKnight property.

On December 3, 2003, Ron Robeen and Alan Grimmet with the Illinois EPA's Bureau of Air conducted an inspection at this site. During this inspection, Mr. Grimmet took two samples for asbestos. One sample was taken of white pipe chase waste and the other was of mastic adhering to floor pieces. The samples were sent to Philips Service Corporation in Columbia, Illinois on December 3, 2003. On December 5, 2003, the Agency received the results of the analysis (Attachment 2). The mastic tested negative for asbestos and the white pipe chase tested positive for asbestos, 12 percent chrysotile.

RELEASED

MAR 18 2004

REVIEWER MD

On December 19, 2003, I received a call from Sean Boles of J&S. Mr. Boles was aware that material from Landsdowne was going to the McKnight Property. He stated that he received a letter from Mr. McKnight asking that the material be dumped on his property. Mr. Boles faxed me a copy of the letter (Attachment 3). The letter was addressed Sean Boles from Jim McKnight. The letter stated that the brick dumped on the McKnight property was going to be used as a driveway base. This letter was dated December 5, 2003. This date is after the waste had already been dumped on site.

I asked Mr. McKnight why the letter was dated after the waste had already been dumped on his property. He stated that Mike Bowman called him and asked him to write the letter to J&S. Mr. McKnight agreed that the letter was sent after the waste had been dumped on-site. He also agreed that the waste had to be sorted and cleaned prior to use as a road base.

Mr. Boles stated that the removal of the asbestos was under a different contract and not preformed by J&S. He stated that all known asbestos was removed from the building prior to demolition under the supervision of IE Consultants in St. Louis. He was not aware that the waste that went to the McKnight property was general C&D, not "clean fill". He stated that he was not on the job site.

Potentially responsible parties to this open dumping

Classic Manufacturing, Inc.
Jim McKnight
7401 Bunkum Road
East St. Louis, Illinois 62204
618/398-5966

First Choice Trucking
First Choice Construction, Inc.
Mike Bowman
1932 Townsley Lane
East St. Louis, Illinois 62204
618/398-2875

J & S Companies, Inc.
J & S Demolition Division
902 Cherokee Street
St. Louis, Missouri 63118

1630455275 – St. Clair County
East St. Louis/McKnight
Page 3 of 3

East St. Louis Board of Education
School District 189
Nathaniel J Anderson, Superintendent
1005 State Street
East St. Louis, Illinois 62201
618/583-8200

International Engineering Consultants, Inc.
6420 South Sixth Street
Springfield, Illinois 62707
217/529-8027

The following apparent violations were observed during this inspection:

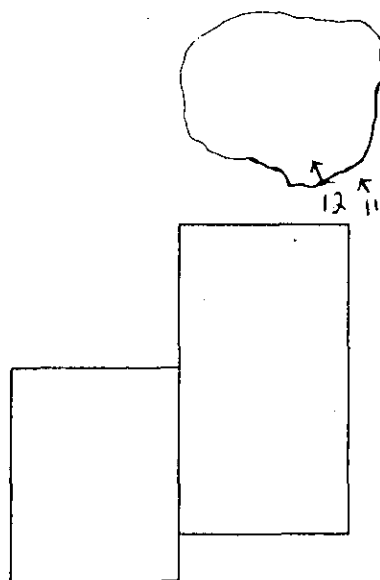
9(a);
21(a);
21(d)(1)(2);
21(e);
21(p)(1);
21(p)(7) and
812.101(a).

cnc/mcknightmarr.doc

State of Illinois
Environmental Protection Agency
Facility Diagram

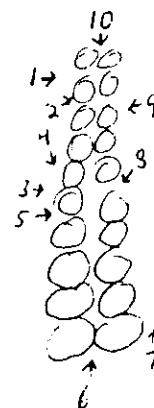
Date of Inspection: 12/30/2003 Inspector: Chris Cahnovsky
Site Code: 1630455275 County: St. Clair
Site Name: East St. Louis/McKnight Time: 9:50-10:20

4 N



7401 Bunkum Road
Classic MFG, Inc.

Sand Plant



Bunkum Road

LPC #1630455275 – St. Clair County
East St. Louis/McKnight
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: December 30, 2003
TIME: 9:50-10:20
DIRECTION: East
PHOTO by: Chris Cahnovsky
PHOTO FILE NAME:
1630455275~12302003-001
COMMENTS:



DATE: December 30, 2003
TIME: 9:50-10:20
DIRECTION: East
PHOTO by: Chris Cahnovsky
PHOTO FILE NAME:
1630455275~12302003-002
COMMENTS:



LPC #1630455275 – St. Clair County
East St. Louis/McKnight
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: December 30, 2003
TIME: 9:50-10:20
DIRECTION: East
PHOTO by: Chris Cahnovsky
PHOTO FILE NAME:
1630455275~12302003-003
COMMENTS:



DATE: December 30, 2003
TIME: 9:50-10:20
DIRECTION: Southeast
PHOTO by: Chris Cahnovsky
PHOTO FILE NAME:
1630455275~12302003-004
COMMENTS:



LPC #1630455275 – St. Clair County
East St. Louis/McKnight
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: December 30, 2003
TIME: 9:50-10:20
DIRECTION: East
PHOTO by: Chris Cahnovsky
PHOTO FILE NAME:
1630455275~12302003-005
COMMENTS:



DATE: December 30, 2003
TIME: 9:50-10:20
DIRECTION: North
PHOTO by: Chris Cahnovsky
PHOTO FILE NAME:
1630455275~12302003-006
COMMENTS:



LPC #1630455275 – St. Clair County
East St. Louis/McKnight
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: December 30, 2003
TIME: 9:50-10:20
DIRECTION: North
PHOTO by: Chris Cahnovsky
PHOTO FILE NAME:
1630455275~12302003-007
COMMENTS:



DATE: December 30, 2003
TIME: 9:50-10:20
DIRECTION: Southwest
PHOTO by: Chris Cahnovsky
PHOTO FILE NAME:
1630455275~12302003-008
COMMENTS:



LPC #1630455275 – St. Clair County
East St. Louis/McKnight
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: December 30, 2003
TIME: 9:50-10:20
DIRECTION: West
PHOTO by: Chris Cahnovsky
PHOTO FILE NAME:
1630455275~12302003-009
COMMENTS:



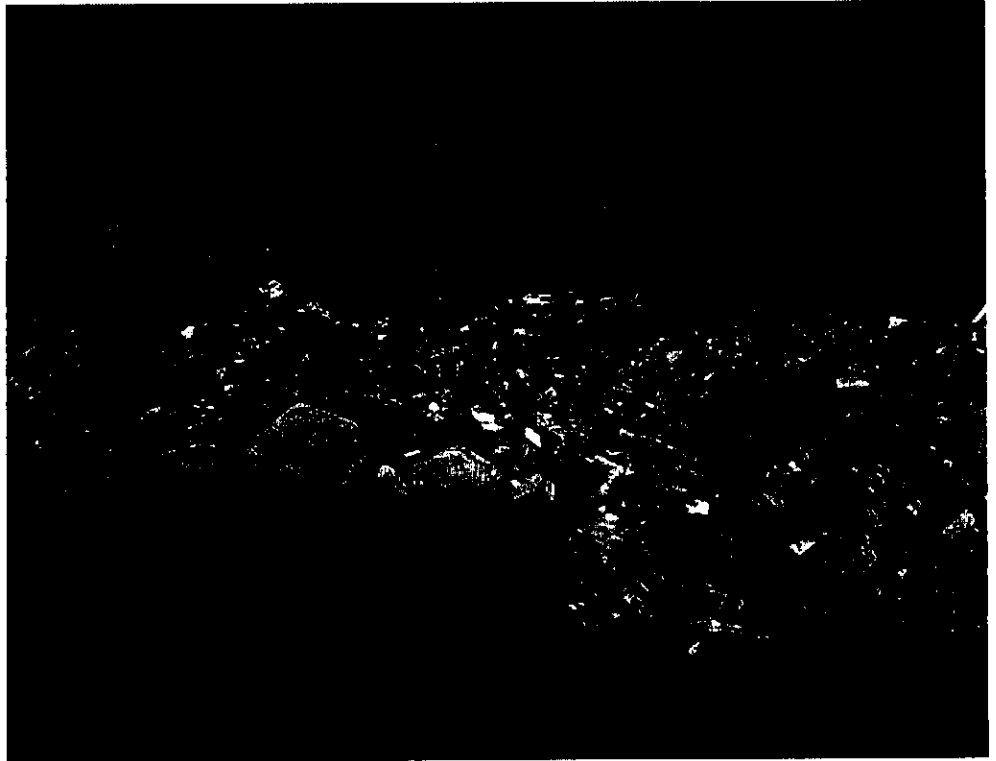
DATE: December 30, 2003
TIME: 9:50-10:20
DIRECTION: South
PHOTO by: Chris Cahnovsky
PHOTO FILE NAME:
1630455275~12302003-010
COMMENTS:



LPC #1630455275 – St. Clair County
East St. Louis/McKnight
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: December 30, 2003
TIME: 9:50-10:20
DIRECTION: Northwest
PHOTO by: Chris Cahnovsky
PHOTO FILE NAME:
1630455275~12302003-011
COMMENTS:



DATE: December 30, 2003
TIME: 9:50-10:20
DIRECTION: Northwest
PHOTO by: Chris Cahnovsky
PHOTO FILE NAME:
1630455275~12302003-012
COMMENTS:



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

DEC 02 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)

Complainant,)

vs.)

No. PCB 06-33
(Enforcement-Land)

J & S COMPANIES, INC., a Missouri
corporation, and FIRST CHOICE
CONSTRUCTION, INC., an Illinois
corporation,)

Respondent.)

**REQUEST FOR ADMISSION OF FACT DIRECTED
TOWARDS J & S COMPANIES, INC.**

The PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Supreme Court Rule 216 submits this request for the admission of the truth of the following specified relevant facts within 28 days after service hereof:

1. On February 6, 2003, J & S Companies, Inc. signed a contract with Board of Education-School District 189 for demolition of the Landsdowne Jr. High School located in East St. Louis, St. Clair County, Illinois.
2. In 2003, J & S Companies, Inc. demolished the Landsdowne Jr. High School.
3. J & S Companies, Inc. hired First Choice Construction, Inc. to haul the construction and demolition debris from the school demolition site.
4. Starting on or about February 6, 2003 until about December 3, 2003, First Choice Construction hauled approximately 92 truckloads of construction and demolition debris from the school demolition site to 7401 Bunkum Road, East St. Louis, St. Clair County, Illinois ("disposal site").



5. J & S Companies, Inc. knew that the construction and demolition debris from the school demolition site was disposed of at the demolition site.

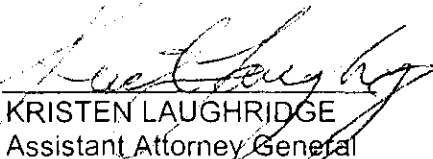
6. The construction and demolition debris disposed at the disposal site consisted of brick, metal, plaster, paper, wood, pipe insulation, wire, and rebar.

7. The disposal site is not permitted by the Illinois Environmental Protection Agency (Illinois EPA) as a sanitary landfill.

Respectfully Submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN,
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By: 
KRISTEN LAUGHRIDGE
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62076
217/782-9031
Dated: