

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JAN 18 2007

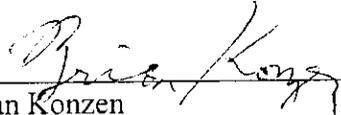
STATE OF ILLINOIS
Pollution Control Board

People of the State of Illinois)
)
v.) PCB 07-42
)
Environmental Reclamation Company,)
)
Respondent)

NOTICE OF FILING

Notice is hereby given to you of the filing of the answer of the respondent in this cause.

BY:



Brian Konzen
Lueders, Robertson & Konzen
PO Box 735
Granite City, IL 62040
ARDC # 06187626
618-876-8500

57905

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STATE OF ILLINOIS
Pollution Control Board

People of the State of Illinois)
)
 v.) PCB 07-42
)
 Environmental Reclamation Company,)
)
 Respondent)

ANSWER

Comes now Environmental Reclamation Company, and responds to the complaint filed by the Illinois Attorney General.

COUNT I

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted, except respondent denies any violation of the statutes cited.
6. Admitted, except to deny that respondent violated any law.
7. Denied.
8. Denied, except to admit an Administrative Citation was subsequently filed and resolved.

Respondent moves to strike, as allegations of a resolved Administrative Citation are irrelevant to whether respondent is guilty of uncovered refuse violations at the other dates and time alleged in the complaint.

9. Admitted, except respondent denies violation of the Act and regulations referenced in count I.

10. Denied

11. Admitted, except to deny any violation of Illinois Law.

12. Admitted

13. Denied

Now, therefore, respondent Environmental Reclamation Company prays the Board dismiss the complaint, with no costs assessed against respondent.

COUNT II

1-12. Respondent repeats and re-alleges its responses to paragraphs 1 through 12 of count I, as count II of the complaint incorporates by reference paragraphs 1 through 12 of count I.

13. Admitted, except to deny any violation of the Act cited.

14. Admitted, except to deny any violation of the Act cited.

15. Admitted, except to deny any violation of the regulation cited.

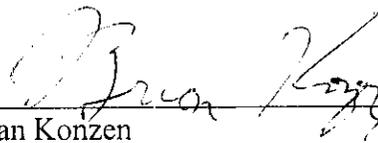
16. Denied.

17. Denied.

18 Denied.

19. Denied.

Now, therefore, respondent Environmental Reclamation Company prays the Board dismiss the complaint, with no costs assessed against respondent.



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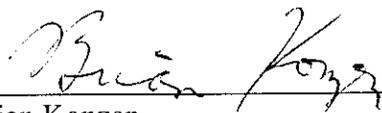
AFFIRMATIVES DEFENSES

Comes now Environmental Reclamation Company, and pleads the following affirmative defenses common to both counts I and II of the complaint.

1. To the extent any of the facts pleaded or claims asserted are not timely, they are barred. 415 ILCS 5/31.

2. To the extent the complaint alleges statutory or regulatory violations previously resolved by judgment, decision of the Pollution Control Board, or settlement, including resolved administrative citations, those same alleged violations may not be reasserted and prosecuted a second time, nor can they be proffered for the purpose of pleading a prima facie complaint alleging a separate statutory or regulatory violation in this cause.

Therefore, Environmental Reclamation Company, Respondent, prays both counts of the complaint be dismissed, with no costs assessed against respondent.

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PROOF OF SERVICE

I, the undersigned, verify the copies of Environmental Reclamation Company's Answer, was served by US mail upon the following persons on January 12 , 2007 in Granite City, Illinois by putting it in a Granite City mailbox before 5 p.m., with first-class postage fully prepaid and the envelope addressed to:

Jennifer Bonkowski
Assistant Attorney General
Environmental Bureau
500 South 2nd Street
Springfield, IL 62706

Carol Webb
Hearing Office
Illinois Pollution Control Board
1021 North Grand Ave. East
PO Box 19274
Springfield, IL 62794-9274

AND BY OVERNIGHT MAIL SERVICE ON THAT SAME DATE TO:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R Thomson Center, Suite 11-500
100 West Randolph
Chicago, IL 60601

