

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 14-2
)	(Enforcement – Land)
DEMOLITION EXCAVATING GROUP,)	
INC., an Illinois corporation, RHONDA)	
FISHER, and EDWARD FISHER,)	
)	
Respondents.)	

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that today I have filed with the Pollution Control Board the following **Motion to Deem Complaint Allegations Admitted**, on behalf of the Illinois Environmental Protection Agency, a copy of which is attached and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General
State of Illinois

BY: 

RYAN G. RUDICH
Assistant Attorney General
Environmental Bureau
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(312) 814-1511
rudich@atg.state.il.us

DATE: October 6, 2014

CERTIFICATE OF SERVICE

I, RYAN G. RUDICH, an Assistant Attorney General, certify that on the 6th day of October, 2014, I caused to be served by first class mail the foregoing Notice of Filing and Motion to Deem Complaint Allegations Admitted to the parties on the attached service list, by depositing same in postage prepaid envelopes with the United States Postal Service located at 69 West Washington Street, Chicago, Illinois 60602.



RYAN G. RUDICH

SERVICE LIST

Edward M. Fisher
7841 Warner Road
Manito, IL 61546

Rhonda Fisher
7841 Warner Road
Manito, IL 61546

Demolition Excavating Group, Inc.
Rhonda Fisher, President
7841 Warner Road
Manito, IL 61546

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

respondent wants to deny any allegations in the complaint. All material allegations of the complaint will be taken as admitted if no answer is filed or if not specifically denied by the answer, unless respondent asserts a lack of knowledge sufficient to form a belief. Any facts constituting an affirmative defense must be plainly set forth before hearing in the answer or in a supplemental answer, unless the affirmative defense could not have been known before hearing.

- (e) If the respondent timely files a motion under Section 103.212(b) or 35 Ill. Adm. Code 101.506, the 60-day period to file an answer described in subsection (d) of this Section will be stayed. The stay will begin when the motion is filed and end when the Board disposes of the motion.

3. The People filed their Complaint in this action on July 2, 2013.

4. On July 2, 2013, Notice of Electronic Filing and the Complaint were properly served on the Respondents. The Notice, which is part of the record, included the language required by Section 103.204(f) of the Board's regulations, 35 Ill. Adm. Code 103.204(f), and that language specifically admonished Respondents that failure to file an Answer to the Complaint would mean that all allegations in the Complaint would be taken as if admitted.

5. On July 28, 2014, the Hearing Officer, Carol Webb, ordered Respondents to file an Answer to the Complaint by September 29, 2014.

6. Respondents have failed to file an Answer to the Complaint or otherwise file a motion as required by Sections 103.204(d) and (e) of the Board's regulations, 35 Ill. Adm. Code 103.204(d) and (e).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Hearing Officer issue an Order deeming all material allegations in the Complaint pertaining to Respondents DEMOLITION EXCAVATING GROUP, RHONDA FISHER, and EDWARD FISHER admitted by operation of law.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General
State of Illinois

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