

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
LISA MADIGAN, Attorney General of	)	
the State of Illinois,	)	
	)	
Complainant,	)	
	)	
vs	)	PCB No. 05-51
	)	(Enforcement-Air)
ENVIRONMENTAL HEALTH & SAFETY	)	
SERVICES, INC.	)	
	)	
Respondent.	)	

**ANSWER**

NOW COMES the Respondent, ENVIRONMENTAL HEALTH & SAFETY SERVICES, INC., by its attorneys, SCHLUETER ECKLUND and for its answer to the First Amended Complaint states as follows:

COUNT I

AIR POLLUTION

1. Respondent admits the allegations contained in paragraph 1.
2. Respondent admits the allegations contained in paragraph 2.
3. Respondent admits the allegations contained in paragraph 3.
4. Respondent admits the allegations contained in paragraph 4.
5. Respondent admits the business was based in Winnebago County, Illinois, but denies that the registered office was located at 1304 Derby Lane.
6. Respondent admits contracting with the owner of the former Lincoln Park

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School to remove and dispose of regulated asbestos-containing material, but denies the remaining allegations contained in paragraph 6.

7. Respondent has insufficient knowledge regarding the allegations contained in paragraph 7 to form an opinion and therefore denies the same.

8. Respondent has insufficient knowledge as to the allegations contained in paragraph 8, notes the notification would speak for itself, therefore denies the same.

9. Respondent has insufficient knowledge regarding the allegations contained in paragraph 9 to form an opinion and therefore denies the same.

10. Respondent denies the allegations contained in paragraph 10.

11. Respondent denies the allegations contained in paragraph 11.

12. Respondent denies the allegations contained in paragraph 12.

13. Respondent has insufficient knowledge about the allegations contained in paragraph 13 and therefore denies the same.

14. Respondent has insufficient knowledge as to the allegations contained in paragraph 14 and therefore denies the same.

15. Complainant purports to state the law which Respondent maintains speaks for itself.

16. Complainant purports to state the law which Respondent maintains speaks for itself.

17. Complaint purports to state the law which Respondent maintains speaks for itself.

18. Complaint purports to state the law which Respondent maintains speaks for itself.

19. Complaint purports to state the law which Respondent maintains speaks for itself.

20. Complaint purports to state the law which Respondent maintains speaks for itself.

21. Complaint purports to state the law which Respondent maintains speaks for itself.

22. Respondent denies the allegations contained in paragraph 22.

WHEREFORE, the Respondent, ENVIRONMENTAL HEALTH & SAFETY SERVICES, INC., respectfully requests that the Board enter an Order against the Complainant in favor of the Respondent, dismissing the complaint awarding to Complainant all costs, including expert witnesses, consultant and attorney's fees, and to grant such other and further relief as the Board deems appropriate and just.

## COUNT II

### FAILURE TO PROVIDE A COMPLETE NESHAP FOR ASBESTOS NOTIFICATION

14. Respondent realleges and incorporates by reference herein its answers to paragraphs 1 through 14 of Count I as its answers to paragraph 1 through 14 of this Count II.

15. Complainant has cited the law which Respondent maintains speaks for itself.

16. Complainant has cited the law which Respondent maintains speaks for itself.

17. Complainant has cited the law which Respondent maintains speaks for itself.

18. Complainant has cited the law which Respondent maintains speaks for itself.

19. Respondent has insufficient information to form an opinion as to the allegations stated in paragraph 19 and therefore denies the same.

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20. Respondent has insufficient information to form an opinion as to the allegations stated in paragraph 20 and therefore denies the same.

21. Complainant has cited the law which Respondent maintains speaks for itself.

22. Respondent has insufficient knowledge to form a belief as to the allegations contained in paragraph 22 and therefore denies the same.

23. Respondent denies the allegations contained in paragraph 23.

24. Respondent denies the allegations contained in paragraph 24.

25. Complainant has cited the law which Respondent maintains speaks for itself.

26. Respondent has insufficient knowledge to form a belief as to the allegation contained in paragraph 26 and therefore denies the same.

27. Respondent denies the allegations contained in paragraph 27.

28. Complainant has cited the law which Respondent maintains speaks for itself.

29. Respondent denies the allegations contained in paragraph 29.

30. Respondent denies the allegations contained in paragraph 30.

WHEREFORE, the Respondent, ENVIRONMENTAL HEALTH & SAFETY SERVICES, INC., respectfully requests that the Board enter an Order against the Complainant and in favor of the Respondent dismissing this Count and requiring Complainant to pay all costs of this proceeding, including expert witnesses, consultant and attorney's fees, and grant such other and further relief as the Board deems appropriate and just.

COUNT III

FAILURE TO TIMELY SUBMIT A NESHAP FOR ASBESTOS NOTIFICATION

1-29. Respondent realleges and incorporates by reference herein, Respondent's

answers to paragraphs 1 through 29 of Count II as paragraphs 1 through 29 of this Count III.

30. Complainant has cited the law which Respondent maintains speaks for itself.

31. Respondent denies the allegations contained in paragraph 31.

32. Respondent denies the allegations contained in paragraph 32.

WHEREFORE, the Respondent, ENVIRONMENTAL HEALTH & SAFETY SERVICES, INC., respectfully requests that the Board enter an Order against the Complainant and in favor of the Respondent dismissing this Count and requiring Complainant to pay all costs of this proceeding, including expert witnesses, consultant and attorney's fees, and grant such other and further relief as the Board deems appropriate and just.

#### COUNT IV

#### FAILURE TO ADEQUATELY WET ALL RACM PRIOR TO STRIPPING FROM STRUCTURES

1-27. Respondent realleges and incorporates by reference its answers to paragraphs 1 through 27 of Count II as its answers to paragraphs 1 through 27 of this Count IV.

28. Complainant has cited the law which Respondent maintains speaks for itself.

29. Respondent denies the allegations contained in paragraph 29.

30. Respondent denies the allegations contained in paragraph 30.

WHEREFORE, the Respondent, ENVIRONMENTAL HEALTH & SAFETY SERVICES, INC., respectfully requests that the Board enter an Order against the Complainant and in favor of the Respondent dismissing this Count and requiring

Complainant to pay all costs of this proceeding, including expert witnesses, consultant and attorney's fees, and grant such other and further relief as the Board deems appropriate and just.

COUNT V

FAILURE TO ADEQUATELY WET ALL RACM  
UNTIL COLLECTION

1-27. Respondent realleges and incorporates by reference herein its answers to paragraphs 1 through 27 of Count II as its answers to paragraphs 1 through 27 of this Count V.

28. Complainant has cited the law which Respondent maintains speaks for itself.

29. Respondent denies the allegations contained in paragraph 29.

30. Respondent denies the allegations contained in paragraph 30.

WHEREFORE, the Respondent, ENVIRONMENTAL HEALTH & SAFETY SERVICES, INC., respectfully requests that the Board enter an Order against the Complainant and in favor of the Respondent dismissing this Count and requiring Complainant to pay all costs of this proceeding, including expert witnesses, consultant and attorney's fees, and grant such other and further relief as the Board deems appropriate and just.

COUNT VI

FAILURE TO ADEQUATELY WET AND KEEP WET  
ASBESTOS-CONTAINING WASTE MATERIAL

1-27. Respondent realleges and incorporates by reference herein its answers to paragraphs 1 through 27 of Count II as its answers to paragraphs 1 through 27 of this Count VI.

28. Complainant has cited the law which Respondent maintains speaks for itself.

29. Respondent denies the allegations contained in paragraph 29.

30. Respondent denies the allegations contained in paragraph 30.

WHEREFORE, the Respondent, ENVIRONMENTAL HEALTH & SAFETY SERVICES, INC., respectfully requests that the Board enter an Order against the Complainant and in favor of the Respondent dismissing this Count and requiring Complainant to pay all costs of this proceeding, including expert witnesses, consultant and attorney's fees, and grant such other and further relief as the Board deems appropriate and just.

#### COUNT VII

##### FAILURE TO DEPOSIT RACM AT A PERMITTED SITE

1-27. Respondent realleges and incorporates by reference herein its answers to paragraphs 1 through 27 of Count II as its answers to paragraphs 1 through 27 of this Count VII.

28. Complainant has cited the law which Respondent maintains speaks for itself.

29. Respondent denies the allegations contained in paragraph 29.

30. Respondent denies the allegations contained in paragraph 30.

WHEREFORE, the Respondent, ENVIRONMENTAL HEALTH & SAFETY SERVICES, INC., respectfully requests that the Board enter an Order against the Complainant and in favor of the Respondent dismissing this Count and requiring Complainant to pay all costs of

this proceeding, including expert witnesses, consultant and attorney's fees, and grant such

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other and further relief as the Board deems appropriate and just.

ENVIRONMENTAL HEALTH & SAFETY  
SERVICES, INC.  
BY: RANDY OLDENBURGER

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