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August 2, 2002

* ALSO LICENSED IN FLORIDA
** ALSO LICENSED IN DISTRICT
OF COLUMBIA
*** ALSO LICENSED IN WISCONSIN

RECEIVED
CLERK'S OFFICE

Direct email:
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AUG 5 - 2002

STATE OF ILLINOIS
Pollution Control Board

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601-3218

Re: *People of the State of Illinois v. Blue Ridge Construction Corporation*
Illinois Pollution Control Board
Case No. PCB No. 02-115 (Enforcement – Air, Water)

Dear Clerk Gunn:

Enclosed for filing please find the original and nine copies of a Notice of Filing, Appearance, and Answer. We have also enclosed one additional copy of each of those documents which we ask that you file stamp and return in the enclosed self-addressed, stamped envelope.

Sincerely yours,



William R. Kohlhase
For Miller, Hall & Triggs

WRK:nh
Encs.

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CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD AUG 5 - 2002

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 BLUE RIDGE CONSTRUCTION CORPORATION,)
 An Illinois corporation,)
)
 Respondent.)

PCB NO. 02-115
(Enforcement - Air, Water)

NOTICE OF FILING

TO: Delbert D. Haschemeyer, Assistant Attorney General, 500 South Second Street, Springfield, Illinois 62706

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, an Answer and Appearance, copies of which are attached hereto and herewith served upon you.

DATED: August 2, 2002.

Blue Ridge Construction Corporation, Respondent

BY: 

 William R. Kohlhas
 for Miller, Hall & Triggs, Its Attorneys

William R. Kohlhas
Miller, Hall & Triggs
416 Main Street - Suite 1125
Peoria, Illinois 61602
Telephone: (309) 671-9600

CERTIFICATE OF SERVICE

I hereby certify that I did on August 2, 2002, 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 Answer and Appearance to:

Delbert D. Haschemeyer
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706

and the original and nine copies by first-class mail with postage thereon fully prepaid of the same instruments to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601-3218



William R. Kohlhase, for Miller, Hall & Triggs

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD AUG 5 - 2002

STATE OF ILLINOIS
Pollution Control Board


PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
BLUE RIDGE CONSTRUCTION CORPORATION,)
An Illinois corporation,)
)
Respondent.)

PCB NO. 02-115
(Enforcement - Air, Water)

ENTRY OF APPEARANCE

William R. Kohlhasse of the firm of Miller, Hall & Triggs hereby enters his appearance on behalf of respondent, Blue Ridge Construction Corporation.

DATED: August 2, 2002.

BY: 
William R. Kohlhasse
for Miller, Hall & Triggs

William R. Kohlhasse
Miller, Hall & Triggs
416 Main Street - Suite 1125
Peoria, Illinois 61602
Telephone: (309) 671-9600

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AUG 5 - 2002

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
BLUE RIDGE CONSTRUCTION CORPORATION,)
An Illinois corporation,)
)
Respondent.)

PCB NO. 02-115
(Enforcement – Air, Water)

A N S W E R

Respondent Blue Ridge Construction Corporation, by its attorneys, Miller, Hall & Triggs,
for its answer to the complaint states:

COUNT I

1. It admits the allegations of paragraph 1.
2. It admits the allegations of paragraph 2.
3. It admits the allegations of paragraph 3.
4. It admits that during 2001 it performed some work in an area where the roof had collapsed at the former dining hall at the old Bartonville Mental Health Facility in Peoria County, Illinois. Otherwise, it denies the allegations of paragraph 4.
5. It admits the allegations of paragraph 5.
6. It admits the allegations of paragraph 6.
7. It admits the allegations of paragraph 7.

8. It denies the allegations of paragraph 8.

WHEREFORE, respondent Blue Ridge Construction Corporation requests that Count I be dismissed with prejudice.

COUNT II

1.-4. Respondent realleges and incorporates by reference paragraphs 1 through 4 of its answer to Count I as paragraphs 1 through 4 of its answer to Count II.

5. It admits the allegations of paragraph 5.

6. It admits the allegations of paragraph 6.

7. It admits the allegations of paragraph 7.

7. [*sic*] It admits the allegations of paragraph 7. [*sic*]

8. It admits the allegations of paragraph 8.

9. It admits there was not a thorough inspection, but otherwise denies the allegations of paragraph 9.

10. It admits that it failed to submit a written notification, but otherwise denies the allegations of paragraph 10.

11. It admits that it failed to remove all RACM before it commenced its activities, but otherwise denies the allegations of paragraph 11.

12. It admits that during its activities in the dining hall it failed to wet and maintain as wet all RACM and regulated asbestos-containing waste material, but otherwise denies the allegations of paragraph 12.

13. It admits that during its activities in the dining hall it did not have a representative trained in the provisions of the NESHAP, but otherwise denies the allegations of paragraph 13.

14. It admits that during its activities in the dining hall, it failed to wet, and maintain as wet, asbestos-containing material, but otherwise denies the allegations of paragraph 14.

WHEREFORE, respondent Blue Ridge Construction Corporation requests that Count II be dismissed with prejudice.

COUNT III

1.-4. Respondent realleges and incorporates by reference paragraphs 1 through 4 of its answer to Count I as paragraphs 1 through 4 of its answer to Count III.

5. It admits the allegations of paragraph 5.

6. It admits the wooden desks, pipe, and metal were deposited on its property as a result of its activities within the dining hall, but otherwise denies the allegations of paragraph 6.

WHEREFORE, respondent Blue Ridge Construction Corporation requests that Count III be dismissed with prejudice.

COUNT IV

1.-4. Respondent realleges and incorporates by reference paragraphs 1 through 4 of its answer to Count I as paragraphs 1 through 4 of its answer to Count IV.

5. It admits the allegations of paragraph 5.
6. It denies the allegations of paragraph 6.

WHEREFORE, respondent Blue Ridge Construction Corporation requests that Count IV be dismissed with prejudice.

Blue Ridge Construction Corporation, Respondent

BY: _____



William R. Kohlhase
for Miller, Hall & Triggs, Its Attorneys

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Peoria, Illinois 61602
Telephone: (309) 671-9600