

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	Nos. PCB 07-25
	)	(Enforcement)
ISAACSON CONSTRUCTION, INC.,	)	
an Illinois Corporation,	)	
	)	
Respondent.	)	

**NOTICE OF FILING AND PROOF OF SERVICE**

TO: Dorothy Gunn, Clerk  
 Illinois Pollution Control Board  
 100 West Randolph Street  
 State of Illinois Building, Suite 11-500  
 Chicago, IL 60601

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

Kristen Laughridge Gale  
 Environmental Bureau  
 500 South Second Street  
 Springfield, IL 62706

PLEASE TAKE NOTICE that on December 14, 2006, I filed the original Notice of Filing and Proof of Service, and Answer to the Complaint with the Office of the Clerk of the Pollution Control Board by electronic filing with the Clerk's Office On-Line (COOL).

The undersigned certifies that he served the Notice of Filing and Proof of Service, and Answer to the Complaint by mailing a copy to the above persons by U.S. Mail on December 14, 2006.

/s/Fred C. Prillaman  
 Fred C. Prillaman

MOHAN, ALEWELT, PRILLAMAN & ADAMI  
 1 North Old Capitol Plaza, Suite 325  
 Springfield, IL 62701  
 Tel: (217) 528-2517  
 Fax: (217) 528-2553

THIS FILING SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. ) No. PCB 07-25  
) (Enforcement)  
ISAACSON CONSTRUCTION, INC., an )  
Illinois corporation, )  
)  
Respondent. )

**ANSWER**

For its Answer to the Complaint, the Respondent, ISAACSON CONSTRUCTION, INC.,  
states as follows:

**COUNT I**

**NO HAZARDOUS WASTE DISPOSAL**

1. Admit.
2. Admit.
3. Admit.
4. Admit.
5. Admit.
6. Admit.
7. Admit.
8. Deny.
9. Admit.
10. Deny.
11. Deny.
12. Deny.

- 13. Deny.
- 14. Deny.
- 15. Deny.
- 16. Deny.
- 17. Deny.
- 18. Deny.
- 19. Deny.
- 20. Deny.
- 21. Deny.
- 22. Admit.
- 23. Deny.
- 24. Deny.

WHEREFORE, Respondent respectfully requests that the Board enter an Order against the Complainant, dismissing Count I and awarding costs to Respondent.

**COUNT II**

**NO DISPOSAL OF HAZARDOUS WASTE WITHOUT A PERMIT**

1-22. Respondent realleges and incorporates by reference herein paragraphs 1 through 22 of its Answer to Count I, as if fully set forth herein as paragraphs 1 through 22 of its Answer to Count II.

- 23. Admit.
- 24. Admit.
- 25. Admit.
- 26. Deny.

27. Deny.

WHEREFORE, Respondent respectfully requests that the Board enter an Order against the Complainant, dismissing Count II and awarding costs to Respondent.

**COUNT III**

**NO RCRA VIOLATIONS**

1-22. Respondent realleges and incorporates by reference herein paragraphs 1 through 22 of its Answer to Count I, as if fully set forth herein as paragraphs 1 through 22 of its Answer to Count III.

23. Admit.

24. Admit.

25. Admit.

26. Deny.

27. Deny.

28. Deny.

29. Deny.

30. Deny.

WHEREFORE, Respondent respectfully requests that the Board enter an Order against the Complainant, dismissing Count III and awarding costs to Respondent.

**COUNT IV**

**NO HAZARDOUS WASTE EMPLOYEE TRAINING VIOLATIONS**

1-22. Respondent realleges and incorporates by reference herein paragraphs 1 through 22 of its Answer to Count I, as if fully set forth herein as paragraphs 1 through 22 of its Answer to Count IV.

- 23. Admit
- 24. Deny.
- 25. Deny.
- 26. Deny.

WHEREFORE, Respondent respectfully requests that the Board enter an Order against the Complainant, dismissing Count IV and awarding costs to Respondent.

**COUNT V**

**NO HAZARDOUS WASTE REPORTING VIOLATIONS**

1-22. Respondent realleges and incorporates by reference herein paragraphs 1 through 22 of its Answer to Count I, as if fully set forth herein as paragraphs 1 through 22 of its Answer to Count V.

- 23. Admit.
- 24. Admit.
- 25. Deny.
- 26. Deny.
- 27. Deny.
- 28. Deny.

WHEREFORE, Respondent respectfully requests that the Board enter an Order against the Complainant, dismissing Count V and awarding costs to Respondent.

**COUNT VI**

**NO HAZARDOUS WASTE CONTINGENCY PLAN VIOLATIONS**

1-22. Respondent realleges and incorporates by reference herein paragraphs 1 through 22 of its Answer to Count I, as if fully set forth herein as paragraphs 1 through 22 of its Answer

to Count VI.

23. Admit.

24. Admit.

25. Admit.

26. Deny.

27. Deny.

28. Deny.

WHEREFORE, Respondent respectfully requests that the Board enter an Order against the Complainant, dismissing Count VI and awarding costs to Respondent.

**COUNT VII**

**NO WATER POLLUTION**

1-22. Respondent realleges and incorporates by reference herein paragraphs 1 through 22 of its Answer to Count I, as if fully set forth herein as paragraphs 1 through 22 of its Answer to Count VII.

23. Admit.

24. Admit.

25. Admit.

26. Deny.

27. Deny.

28. Deny.

WHEREFORE, Respondent respectfully requests that the Board enter an Order against the Complainant, dismissing Count VII and awarding costs to Respondent.

**COUNT VIII**

**NO WATER POLLUTION HAZARD**

1-22. Respondent realleges and incorporates by reference herein paragraphs 1 through 22 of its Answer to Count I, as if fully set forth herein as paragraphs 1 through 22 of its Answer to Count VIII and paragraphs 23 through 26 of its Answer to Count VII as fully set forth herein as paragraphs 23 through 26 of its Answer to Count VIII.

27. Admit.

28. Deny.

29. Deny.

WHEREFORE, Respondent respectfully requests that the Board enter an Order against the Complainant, dismissing Count VIII and awarding costs to Respondent.

**AFFIRMATIVE DEFENSES TO COUNTS I THROUGH VIII, INCLUSIVE**

1. Because this Complaint is brought pursuant to 415 ILCS 5/31 (Paragraph 1 of the Complaint), which requires that the State issue and serve, by certified mail, a written notice of an alleged violation within 180 days of becoming aware of same, and because the State failed to do that, the Board is without jurisdiction.

2. The Board is also without jurisdiction to entertain a request for attorneys fees in the absence of an allegation that the specific, alleged violations for which attorneys fees are sought were “willful and knowing,” or constituted a “repeated violation of the Act.”

3. The State has waived any and all argument that the materials referenced in Paragraphs 8 through 21, inclusive, of the Complaint are, in whole or in part, “hazardous,” by authorizing Respondent to remove, transport and landfill same as non-hazardous materials.

Respectfully submitted,

ISAACSON CONSTRUCTION, INC.,  
Respondent,

BY: MOHAN, ALEWELT, PRILLAMAN &  
ADAMI

BY: /s/Fred C. Prillaman  
FRED C. PRILLAMAN  
Attorney at Law

Fred C. Prillaman  
MOHAN, ALEWELT, PRILLAMAN & ADAMI  
1 N. Old Capitol Plaza, Suite 325  
Springfield, IL 62701-1323  
Tel: (217) 528-2517  
Fax: (217) 528-2553