

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)
by LISA MADIGAN, Attorney General of the)
State of Illinois,)

Complainant,)

v.)

RELIABLE MATERIALS LYONS, LLC, an)
Illinois limited liability company,)
GSG CONSULTANTS, INC., an Illinois corporation,)
O.C.A. CONSTRUCTION, INC., an Illinois corporation,)
SPEEDY GONZALEZ LANDSACAPING, INC., an)
Illinois corporation, PUBLIC BUILDING COMMISSION)
OF CHICAGO, an Illinois municipal corporation, BOARD)
OF EDUCATION OF THE CITY OF CHICAGO,)
a body politic and corporate,)

Respondents.)

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NOV 29 2011
STATE OF ILLINOIS
Pollution Control Board

PCB No. 12-52
(Enforcement—Land)

ORIGINAL

NOTICE OF FILING

To: Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Pollution Control Board GSG CONSULTANTS, INC.'S ANSWER TO COMPLAINT, a copy of which is hereby served upon you.

Respectfully submitted,


Joseph R. Podlewski, Jr.

Dated: November 22, 2011

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This filing is submitted on recycled paper.

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GSG CONSULTANTS, INC.'S ANSWER TO COMPLAINT

Respondent GSG CONSULTANTS, INC., by its attorneys, Podlewski & Hanson P.C.,
for its answer to the Complaint of Complainant, PEOPLE OF THE STATE OF ILLINOIS, states
as follows:

NATURE OF THE ACTION

1. This is an action for civil penalties and affirmative relief brought pursuant to
Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2010).
Complainant seeks civil penalties and affirmative relief for the illegal disposal of waste taken
from a 7.5 acre parcel of land located at 401 North Sawyer Avenue, Chicago, Cook County,
Illinois, and disposed at a facility located at 4401 First Avenue, Lyons, Cook County, Illinois.

ANSWER: GSG Consultants, Inc. ("GSG") admits that this is an action for civil
penalties and affirmative relief action under the Act, but denies that the Complainant is entitled

to the relief requested. The remaining allegations of this paragraph are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

THE PARTIES

2. The Attorney General is the chief legal officer of the State of Illinois having the powers and duties prescribed by law. Ill. Const. art. V, § 15.

ANSWER: GSG admits the allegations of this paragraph.

3. The Illinois Environmental Protection Agency (“Illinois EPA”) is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2010), and is charged *inter alia*, with the duty of enforcing the Act.

ANSWER: GSG admits the allegations of this paragraph.

4. The Public Building Commission of Chicago (“PBC”) is an Illinois municipal corporation, created pursuant to Section 2 of the Public Building Commission Act, 50 ILCS 20/2 (2010).

ANSWER: GSG lacks sufficient information as to truth of the allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

5. The PBC is charged with the responsibility of managing all public construction projects within the City of Chicago and Cook County governmental units.

ANSWER: GSG lacks sufficient information as to truth of the allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

6. At all times relevant to this Complaint, the PBC managed the construction of the Westinghouse Vocational High School pursuant to the terms and conditions of an intergovernmental agreement between PBC and the Chicago Public Schools.

ANSWER: GSG admits only that the PBC managed construction of the Westinghouse Vocational High School. GSG lacks sufficient information as to truth of the remaining allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

7. The Board of Education of the City of Chicago is a body politic and corporate, organized and operating under Section 342 of the School Code, 105 ILCS 5/342, and is more commonly referred to as “Chicago Public Schools” (“CPS”). CPS is designated School District No. 299 by the Illinois State Board of Education.

ANSWER: GSG lacks sufficient information as to truth of the allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

8. At all times relevant to this Complaint, CPS owned a 7.5 acre parcel of land located at 401 North Sawyer Avenue, Chicago, Cook County, Illinois (“Site”), where the Westinghouse Vocational High School was being constructed.

ANSWER: GSG lacks sufficient information as to truth of the allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

9. GSG Consultants, Inc. (“GSG”) is an Illinois corporation in good standing.

ANSWER: GSG admits the allegations of Paragraph 9 of Count I.

10. GSG was retained by the PBC for the general oversight over construction of the Westinghouse Vocational High School at the Site.

ANSWER: GSG denies the allegations of this paragraph as stated.

11. GSG’s duties for the Westinghouse Vocational High School construction project included ensuring construction activities at the Site complied with environmental laws and regulations, including soil management and disposal of soils excavated from the Site, conducting environmental assessments and remediation activities for the Site, including Illinois EPA’s Site

Remediation Program (“SRP”) activities for the Site, which included determining the presence of contaminants in the soils at the Site.

ANSWER: GSG admits only that its duties included conducting certain environmental assessments and remediation activities for the Site. GSG denies the remaining allegations of this paragraph as stated.

12. O.C.A. Construction, Inc. (“OCA”) is an Illinois corporation in good standing.

ANSWER: GSG lacks sufficient information as to truth of the allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

13. At all times relevant to the Complaint, OCA was the general contractor of the project at the Site.

ANSWER: GSG admits the allegations of this paragraph.

14. Speedy Gonzalez Landscaping, Inc. (“SGL”) is an Illinois corporation in good standing.

ANSWER: GSG lacks sufficient information as to truth of the allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

15. At all times relevant to the Complaint, SGL was a subcontractor to OCA. SGL’s duties at the Site included excavating soil and arranging for the transportation and disposal of the soils off-site.

ANSWER: GSG admits the allegations of this paragraph.

16. Reliable Materials Lyons, LLC. (“Reliable”), is an Illinois limited liability company in good standing.

ANSWER: GSG lacks sufficient information as to truth of the allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

17. At all times relevant to the Complaint, Reliable owned and operated a clean construction or demolition debris (“CCDD”) fill operation located at 4401 First Avenue, Lyons, Cook County, Illinois (“CCDD Facility”).

ANSWER: GSG admits only that Reliable operated the CCDD Facility. GSG lacks sufficient information as to truth of the remaining allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

18. On or about March 10, 2006, on a date better known to Respondents, Reliable entered into a contract with SGL for the disposal of soils, which were excavated from the Site, at Reliable’s CCDD Facility.

ANSWER: GSG lacks sufficient information as to truth of the allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

FACTUAL ALLEGATIONS

I. Westinghouse Vocational High School Construction Site

19. Section 58.16 of the Act, 415 ILCS 5/58.16, mandates that prior to the construction of a school in Cook County, a Phase I Environmental Audit must be completed and if environmental impacts warrant it, the school must be enrolled in the Illinois EPA’s SRP.

ANSWER: GSG answers that the Act speaks for itself. To the extent the allegations of Paragraph 19 of Count I are inconsistent therewith, they are denied.

20. In May, 2004, Clean World Engineering, Ltd. (“CWE”) performed a Phase I Environmental Audit of the Site for CPS for the purpose of identifying environmental impacts at the Site.

ANSWER: GSG admits the allegations of this paragraph.

21. CWE identified the following historic uses of the Site: 1) the southern portion of the Site was formerly a coal storage site; 2) the western portion of the Site was formerly used as a warehouse, laundry, garage and a plating facility; and 3) the parking lot had formerly been used as a gas station and the commercial building to the northwest was formerly used for manufacturing operations.

ANSWER: GSG admits the allegations of this paragraph.

22. In August and September 2005, GSG performed a comprehensive site investigation (“CSI”) of the Site to identify, among other things, any contamination of the soils.

ANSWER: GSG admits the allegations of this paragraph.

23. On November 30, 2005, GSG prepared and submitted an application on behalf of the PBC, the remedial applicant, and CPS, the owner of the Site, to enroll the Site into the Illinois EPA’s SRP for the purpose of characterizing the nature and extent of soil and ground water contamination at the Site, appropriately addressing the contamination, and ultimately obtaining a No Further Remediation Letter from the Illinois EPA.

ANSWER: GSG admits only that the Site was entered into the SRP on or about November 30, 2005 and that the PBC was identified in the application as the Remediation Applicant. GSG further admits that it prepared the application on the PBC’s behalf. The remaining allegations of this paragraph are denied as stated.

24. On December 8, 2005, Illinois EPA accepted the Site into the SRP program.

ANSWER: GSG admits the allegations of this paragraph.

25. PBC had a document entitled “Book 3(c) Soil Handling and Management Specifications” (“Book 3(c)”) prepared for it, which set forth, among other things, the parameters for managing and disposing of on-site soils during the construction project.

ANSWER: GSG admits only that Book 3(c) was prepared for the Site. With respect to the remaining allegations of this paragraph, GSG answers that Book 3(c) speaks for itself. To the extent the allegations of Paragraph 25 of Count I are inconsistent therewith, they are denied.

26. Book 3(c) contained, among other things, analytical results showing that prior to excavation and removal of the soils at the Site that occurred from at least April 4, 2006 through July 19, 2006, on dates better known to Respondents, the soils at the Site contained inorganic chemicals, volatile organic compounds (“VOCs”), semi volatile organic compounds (“SVOCs”), and polynuclear aromatic hydrocarbons (“PNAs”).

ANSWER: GSG answers that Book 3(c) speaks for itself. To the extent the allegations of Paragraph 26 of Count I are inconsistent therewith, they are denied.

27. The analytical results contained in Book 3(c), indicated that the levels of inorganic chemicals in the soils at the Site exceeded the Background Soils Concentrations within Metropolitan Statistical Areas for inorganic chemicals, pursuant to 35 Ill. Adm. Code 742, Appendix A, Table G. A copy of Table G of 35 Ill. Adm. Code 742, Appendix A is incorporated by reference and attached as exhibit 1. A table summarizing the documented exceedances of the Background Soils Concentrations within Metropolitan Statistical Areas for inorganic chemicals, pursuant to 35 Ill. Adm. Code 742, Appendix A, Table G, for the sampling done by GSG as part of the CSI is incorporated by reference and attached as Exhibit 2.

ANSWER: GSG answers that Book 3(c) and Table G of 35 Ill. Adm. Code 742, Appendix A speaks for themselves. To the extent the allegations of Paragraph 27 of Count I are inconsistent therewith, they are denied.

28. Book 3(c) also contained a schematic drawing of the Site prepared by GSG, which indicated that all soils at the Site exceeded the Tiered Approach to Corrective Action Objectives (“TACO”) tier 1 site remediation objectives (“SROs”), as set forth in 35 Ill. Adm. Code part 742.

ANSWER: GSG answers that Book 3(c) speaks for itself. To the extent the allegations of Paragraph 28 of Count I are inconsistent therewith, they are denied.

II. Reliable’s CCDD Facility

29. On December 2, 2005, Reliable submitted an application to the Illinois EPA for interim authorization to accept CCDD at its CCDD Facility for disposal, pursuant to Section 22.51 of the Act, 415 ILCS 5/22.51.

ANSWER: GSG lacks sufficient information as to truth of the allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

30. On at least April 4, 2006, from a date better known to Respondents, Reliable began receiving loads of soils, which were excavated at the Site by SGL.

ANSWER: GSG admits only that excavated soil from the Site was received by Reliable. GSG lacks sufficient information as to truth of the remaining allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

31. On April 14, 2006, GSG sent a letter to OCA, stating that Reliable was not one of the disposal facilities that OCA submitted in its bid proposal, that Reliable was not a permitted disposal facility and therefore soils excavated and removed from the Site should not be disposed

of at Reliable's CCDD Facility. The April 14, 2006, letter from GSG to OCA also directed OCA to dispose of all excavated materials at Munster Landfill, Land and Lakes Landfill, or CID Landfill.

ANSWER: GSG answers that its April 14, 2006 letter speaks for itself. To the extent the allegations of Paragraph 31 of Count I are inconsistent therewith, they are denied.

32. On April 19, 2006, the PBC sent a letter to OCA suspending all work at the Site, because soils excavated and removed from the Site were being sent to Reliable without documentation that Reliable was a permitted disposal that could accept the soils from the Site.

ANSWER: GSG answers that the PBC's April 19, 2006 letter speaks for itself. To the extent the allegations of Paragraph 32 of Count I are inconsistent therewith, they are denied.

33. On April 20, 2006, Reliable sent a letter to SGL stating that Reliable had received Book 3(c) and reviewed the analytical data contained therein and that Reliable had determined that much of the material on the Site falls within the definition of clean construction or demolition debris.

ANSWER: GSG lacks sufficient information as to truth of the allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

34. On May 4, 2006, OCA sent a letter to GSG requesting that Reliable's CCDD Facility be used to dispose of some of the soils excavated and removed from the Site.

ANSWER: GSG answers that OCA's May 4, 2006 letter speaks for itself. To the extent the allegations of Paragraph 34 of Count I are inconsistent therewith, they are denied.

35. On at least June 5, 2006, on a date better known to Respondents, SGL began sending soils excavated and removed from the Site to Reliable's CCDD Facility for disposal.

ANSWER: GSG admits only that excavated soil from the Site was received by Reliable. GSG lacks sufficient information as to truth of the remaining allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

36. On July 14, 2006, the Illinois EPA inspected the Site. At that time, a representative of SGL informed the Illinois EPA inspector that approximately 60,000 cubic yards of soils excavated and removed from the Site had been sent to Reliable's CCDD Facility for disposal from at least April 4, 2006 through the date of the Illinois EPA's inspection, July 14, 2006.

ANSWER: GSG admits only that representatives of the IEPA visited the Site on July 14, 2006. GSG lacks sufficient information as to truth of the remaining allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

37. During the Illinois EPA's July 14, 2006 inspection, a representative of SGL stated that five loads of soils that were excavated and removed from the Site and shipped to Reliable's CCDD Facility had recently been rejected by Reliable, because Reliable's photo ionization detection ("PID") readings of the soils from the Site showed high detection levels for VOCs.

ANSWER: GSG lacks sufficient information as to truth of the allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

38. Also, during the July 14, 2006 inspection, a representative of SGL stated to the Illinois EPA inspector that he was instructed by GSG to spread out the soils that were excavated around the location of leaking underground storage tanks at the Site and allow the VOCs to be volatilized to the atmosphere before transporting them to Reliable's CCDD Facility.

ANSWER: GSG lacks sufficient information as to what the IEPA inspector may have been told, and therefore can truthfully neither admit nor deny the same. GSG denies the remaining allegations of this paragraph.

39. On July 26, 2006, the Illinois EPA inspected the Site and met with Respondents CPS, OCA, GSG, and SGL to determine where the soils that were excavated and removed from the Site had been disposed for the period from at least April 4, 2006 to at least July 19, 2006, on dates better known to Respondents.

ANSWER: GSG admits only that representatives of the IEPA visited the Site on July 26, 2006. The purpose of this visit is best known to the IEPA.

40. On July 26, 2006, GSG sent a letter to OCA instructing OCA to immediately cease transporting all soils excavated and removed from the Site to Reliable's CCDD Facility.

ANSWER: GSG answers that its July 26, 2006 letter speaks for itself. To the extent the allegations of Paragraph 40 of Count I are inconsistent therewith, they are denied.

CLAIM FOR RELIEF

I. VIOLATION OF THE ENVIRONMENTAL PROTECTION ACT BY ALL RESPONDENTS

Count I is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2010), against the Respondents, RELIABLE MATERIALS LYONS, LLC, an Illinois limited liability company, GSG CONSULTANTS, INC., an Illinois corporation, O.C.A. CONSTRUCTION, INC., an Illinois corporation, SPEEDY GONZALEZ LANDSCAPING, INC., an Illinois corporation, PUBLIC BUILDING COMMISSION OF CHICAGO, an Illinois municipal corporation, and BOARD OF EDUCATION OF THE CITY OF CHICAGO, a body politic and corporate.

ANSWER: GSG admits the allegations of this paragraph.

COUNT I
OPEN DUMPING

1-40. Complainant realleges and incorporates by reference herein paragraphs 1 through 40 of the foregoing sections of this Complaint entitled “Nature of the Action,” “The Parties,” and “Factual Allegations” as paragraphs 1 through 40 of this Count I.

ANSWER: GSG realleges and incorporates its foregoing answers to Paragraphs 1-40 of the sections of this Complaint entitled “Nature of the Action,” “The Parties,” and “Factual Allegations” as and for its answers to paragraphs 1 through 40 of this Count I.

41. Section 21(a) of the Act, 415 ILCS 5/21(a) (2010), provides as follows:

No person shall:

a. Cause or allow the open dumping of any waste.

ANSWER: GSG answers that the Act speaks for itself. To the extent the allegations of Paragraph 41 of Count I are inconsistent therewith, they are denied.

42. Section 3.315 of the Act, 415 ILCS 5/3.315 (2010), provides the following definition:

"PERSON" is an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust estate, political subdivision, state agency, or other legal entity, or their legal representative, agent or assigns.

ANSWER: GSG answers that the Act speaks for itself. To the extent the allegations of Paragraph 42 of Count I are inconsistent therewith, they are denied.

43. CPS, PBC, GSG, OCA, SGL, and Reliable are each a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2010).

ANSWER: GSG admits the allegations of Paragraph 43 of Count I that are directed to it.

44. Section 3.305 of the Act, 415 ILCS 5/3.305 (2010), provides the following definition:

“OPEN DUMPING” means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

ANSWER: GSG answers that the Act speaks for itself. To the extent the allegations of Paragraph 44 of Count I are inconsistent therewith, they are denied.

45. Section 3.385 of the Act, 415 ILCS 5/3.385 (2010), provides the following definition:

“REFUSE” means waste.

ANSWER: GSG answers that the Act speaks for itself. To the extent the allegations of Paragraph 45 of Count I are inconsistent therewith, they are denied.

46. Section 3.535 of the Act, 415 ILCS 5/3.535 (2010), provides the following definition:

"WASTE" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities...

ANSWER: GSG answers that the Act speaks for itself. To the extent the allegations of Paragraph 46 of Count I are inconsistent therewith, they are denied.

47. Section 3.335 of the Act, 415 ILCS 5/3.335 (2010), provides the following definition:

“Pollution control waste” means any liquid, solid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. “Pollution control waste” includes but is not limited to water and wastewater treatment plant sludges, baghouse dusts, landfill waste, scrubber sludges and chemical spill cleanings.

ANSWER: GSG answers that the Act speaks for itself. To the extent the allegations of Paragraph 47 of Count I are inconsistent therewith, they are denied.

48. Section 3.540 of the Act, 415 ILCS 5/3.540 (2010), provides the following definition:

“Waste disposal site” is a site on which solid waste is disposed.

ANSWER: GSG answers that the Act speaks for itself. To the extent the allegations of Paragraph 48 of Count I are inconsistent therewith, they are denied.

49. Section 3.185 of the Act, 415 ILCS 5/3.185 (2010), provides the following definition:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

ANSWER: GSG answers that the Act speaks for itself. To the extent the allegations of Paragraph 49 of Count I are inconsistent therewith, they are denied.

50. Section 3.445 of the Act, 415 ILCS 5/3.445 (2010), provides the following definition:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation.

ANSWER: GSG answers that the Act speaks for itself. To the extent the allegations of Paragraph 50 of Count I are inconsistent therewith, they are denied.

51. Section 3.160(b) of the Act, 415 ILCS 5/3.160(b) (2006), provides in pertinent part as follows:

- b) Clean construction or demolition debris means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste.

ANSWER: GSG answers that the Act speaks for itself. To the extent the allegations of Paragraph 51 of Count I are inconsistent therewith, they are denied.

52. Section 3.165 of the Act, 415 ILCS 5/3.165 (2010), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

ANSWER: GSG answers that the Act speaks for itself. To the extent the allegations of Paragraph 52 of Count I are inconsistent therewith, they are denied.

53. Section 742.200. of the Pollution Control Board (“Board”) Waste Disposal Regulations, 35 Ill. Adm. Code 742.200, provides the following definitions:

* * *

"Area Background" means *concentrations of regulated substances that are consistently present in the environment in the vicinity of a site that are the result of natural conditions or human activities, and not the result solely of releases at the site.* [415 ILCS 5/58.2]

* * *

"Contaminant of concern" or "*regulated substance of concern*" means *any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry.* [415 ILCS 5/58.2]

ANSWER: GSG answers that the Board's Waste Disposal Regulations speak for themselves. To the extent the allegations of Paragraph 53 of Count I are inconsistent therewith, they are denied.

54. The soils at the Site contained inorganic chemicals, including aluminum, arsenic, barium, beryllium, cadmium, calcium, chromium, cobalt, copper, cyanide, iron, lead, magnesium, mercury, nickel, potassium, selenium, sodium, thallium, vanadium, and zinc, each of which is a "contaminant," as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165.

ANSWER: GSG admits only that the soils at the Site contained various inorganic chemicals. The remaining allegations of Paragraph 54 of Count I are legal conclusions to which no answer is necessary or required.

55. The soils at the Site contained inorganic chemicals, including aluminum, arsenic, barium, beryllium, cadmium, calcium, chromium, cobalt, copper, cyanide, iron, lead, magnesium, mercury, nickel, potassium, selenium, sodium, thallium, vanadium, and zinc each, of which is a "contaminant of concern," as that term is defined in Section 742.200 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 742.200.

ANSWER: GSG admits only that the soils at the Site contained various inorganic chemicals. The allegations of Paragraph 55 of Count II are legal conclusions to which no answer is necessary or required.

56. "Area Background" concentrations for contaminants of concern for inorganic chemicals within Metropolitan Statistical Areas are set forth in 35 Ill. Adm. Code 742, Appendix A, Table G. (Exhibit 1 to this Complaint).

ANSWER: GSG answers that Ill. Adm. Code 742, Appendix A, Table G speaks for itself. To the extent the allegations of Paragraph 56 of Count I are inconsistent therewith, they are denied.

57. As set forth in Exhibit 2 and incorporated by reference and attached hereto, the soils excavated and removed from the Site and dumped at Reliable's CCDD Facility, contained contaminants and contaminants of concern that exceeded "Area Background," as that term is defined in Section 742.200 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 742.200; to wit: aluminum (6 exceedances in the 45 soil borings), arsenic (39 exceedances in the 45 soil borings), barium (25 exceedances in the 45 soil borings), beryllium (4 exceedances in the 45 soil borings), cadmium (27 exceedances in the 45 soil borings), calcium (6 exceedances in the 45 soil borings), chromium (37 exceedances in the 45 soil borings), cobalt (5 exceedances in the 45 soil borings), copper (7 exceedances in the 45 soil borings), cyanide (8 exceedances in the 45 soil borings), iron (6 exceedances in the 45 soil borings), lead (31 exceedances in the 45 soil borings), magnesium (7 exceedances in the 45 soil borings), mercury (19 exceedances in the 45 soil borings), nickel (6 exceedances in the 45 soil borings), potassium (5 exceedances in the 45 soil borings), selenium (5 exceedances in the 45 soil borings), sodium (7 exceedances in the 45 soil borings), thallium (2 exceedances in the 45 soil borings), vanadium (4 exceedances in the 45 soil borings), and zinc (5 exceedances in the 45 soil borings). A table summarizing the number of documented exceedances of the Background Soils Concentrations within Metropolitan Statistical Areas for inorganic chemicals, pursuant to 35 Ill. Adm. Code 742, Appendix A, Table G, done by GSG as part of the CSI is incorporated by reference and attached as Exhibit 3.

ANSWER: The allegations of Paragraph 57 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

58. As set forth in Exhibit 2 attached hereto, the soils excavated and removed from the Site and dumped at Reliable's CCDD Facility, contained inorganic chemicals, contaminants and contaminants of concern, in concentrations that exceeded Background Soils Concentrations within Metropolitan Statistical Areas for inorganic chemicals, pursuant to 35 Ill. Adm. Code 742, Appendix A, Table G.

ANSWER: The allegations of Paragraph 58 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

59. Since the soils excavated and removed from the Site and dumped at Reliable's CCDD Facility contained contaminants in the form of inorganic chemicals that exceeded the Background Soils Concentrations within Metropolitan Statistical Areas, pursuant to 35 Ill. Adm. Code 742, Appendix A, Table G, the soils excavated and removed from the Site and dumped at Reliable's CCDD Facility were contaminated soils and therefore did not constitute "CCDD," as that term is defined in Section 3.160(b) of the Act, 415 ILCS 5/3.160(b) (2006).

ANSWER: The allegations of Paragraph 59 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

60. The soils excavated and removed from the Site and dumped at Reliable's CCDD Facility contained contaminants that were removed from the land, which posed a potential threat to human health, in the form of inorganic chemicals that exceeded the Background Soils Concentrations within Metropolitan Statistical Areas, pursuant to 35 Ill. Adm. Code 742, Appendix A, Table G, and therefore constitute "pollution control waste," as that term is defined in Section 3.335 of the Act, 415 ILCS 5/3.335 (2010).

ANSWER: The allegations of Paragraph 60 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

61. The soils excavated and removed from the Site, which contained contaminants in the form of inorganic chemicals that exceeded the Background Soils Concentrations within Metropolitan Statistical Areas, pursuant to 35 Ill. Adm. Code 742, Appendix A, Table G, were discarded by Respondents at Reliable's CCDD Facility and therefore constitute "waste," as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2010).

ANSWER: The allegations of Paragraph 61 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

62. Dumping, depositing, or placing soils excavated and removed from the Site, which contained contaminants in the form of inorganic chemicals that exceeded the Background Soils Concentrations within Metropolitan Statistical Areas, pursuant to 35 Ill. Adm. Code 742, Appendix A, Table G, and dumped by Respondents at Reliable's CCDD Facility constitutes "disposal," as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2010).

ANSWER: The allegations of Paragraph 62 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

63. Reliable's CCDD Facility, where Respondents caused or allowed the disposal of the soils excavated and removed from the Site that contained contaminants in the form of inorganic chemicals that exceeded the Background Soils Concentrations within Metropolitan Statistical Areas, pursuant to 35 Ill. Adm. Code 742, Appendix A, Table G, constitutes a "waste disposal site," as that term is defined in Section 3.540 of the Act, 415 ILCS 5/3.540 (2010)

ANSWER: The allegations of Paragraph 63 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

64. Reliable has never been permitted by the Illinois EPA for the disposal of waste at its CCDD Facility.

ANSWER: GSG lacks sufficient information as to truth of the allegations of this paragraph and therefore can truthfully neither admit nor deny the same.

65. Since Reliable has never been permitted by the Illinois EPA for the disposal of waste at its CCDD Facility, the CCDD Facility does not meet the requirements of a “sanitary landfill,” as that term is defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2010).

ANSWER: The allegations of Paragraph 65 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

66. The depositing, dumping, and accumulation of waste at Reliable’s CCDD Facility constitutes “open dumping,” as that term is defined in Section 3.305 of the Act, 415 ILCS 5/3.305 (2010).

ANSWER: The allegations of Paragraph 66 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

67. CPS, as owner of the Site, caused or allowed the depositing, dumping, and accumulation of waste in a manner that resulted in open dumping of waste at Reliable’s CCDD Facility.

ANSWER: The allegations of Paragraph 67 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

68. PBC, as manager and agent of CPS for the construction of the Westinghouse Vocational High School at the Site pursuant to the terms and conditions of an intergovernmental agreement between PBC and CPS, caused or allowed the depositing, dumping, and accumulation of waste in a manner that resulted in open dumping of waste at Reliable’s CCDD Facility.

ANSWER: The allegations of Paragraph 68 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

69. GSG, as a contractor to PBC and responsible for the general oversight over construction of the Westinghouse Vocational High School at the Site, including ensuring construction activities at the Site complied with environmental laws and regulations, specifically soil management and disposal of soils excavated from the Site. In addition, GSG was responsible for conducting environmental assessments and remediation activities for the Site, such as Illinois EPA's SRP activities for the Site, which included determining the presence of contaminants in the soils at the Site, caused or allowed the depositing, dumping, and accumulation of waste in a manner that resulted in open dumping of waste at Reliable's CCDD Facility.

ANSWER: The allegations of Paragraph 69 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

70. OCA, as a contractor to PBC and responsible for the removal and proper disposal of the soils generated at the Site, caused or allowed the depositing, dumping, and accumulation of waste in a manner that resulted in open dumping of waste at Reliable's CCDD Facility.

ANSWER: The allegations of Paragraph 70 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

71. SGL, as a subcontractor to OCA and responsible for the excavation and removal of the soils at the Site, caused or allowed the depositing, dumping, and accumulation of waste in a manner that resulted in open dumping of waste at Reliable's CCDD Facility.

ANSWER: The allegations of Paragraph 71 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

72. Reliable allowed the depositing, dumping, and accumulation of waste in a manner

that resulted in open dumping of waste at its CCDD Facility.

ANSWER: The allegations of Paragraph 72 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

73. From at least April 4, 2006 to at least July 19, 2006, on dates better known to Respondents, by their acts and omissions as alleged herein, Respondents, CPC, PBC, GSG, OCA, SGL, and Reliable caused or allowed waste to be deposited and to accumulate at Reliable's CCDD Facility, thereby causing or allowing the open dumping of waste, in violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2010).

ANSWER: The allegations of Paragraph 73 of Count I are legal conclusions to which no answer is necessary or required. To the extent they also allege facts, they are denied.

WHEREFORE, Respondent GSG CONSULTANTS, INC. prays that Count I of the Complaint be dismissed.

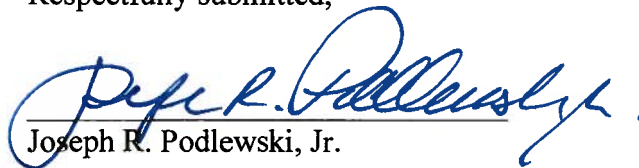
II. VIOLATIONS OF THE ACT BY RESPONDENTS SGL AND CPS

Count II is not brought against Respondent GSG CONSULTANTS, INC., and therefore no answer to Count II by GSG is necessary or required.

III. VIOLATIONS OF THE ACT AND BOARD REGULATIONS BY RELIABLE

Neither Count III nor Count IV is brought against Respondent GSG CONSULTANTS, INC., and therefore no answer to Counts III and IV by GSG is necessary or required.

Respectfully submitted,


Joseph R. Podlewski, Jr.

Dated: November 22 2011

Joseph R. Podlewski Jr.
Heidi E. Hanson
PODLEWSKI & HANSON P.C.
4721 Franklin Ave, Suite 1500
Western Springs, IL 60558-1720
(708) 784-0624

This filing is submitted on recycled paper.

CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that I have served the attached GSG CONSULTANTS, INC.'S ANSWER TO COMPLAINT by depositing same in the U. S. Mail at Western Springs, Illinois before 4:30 p.m. on November 22, 2011, postage prepaid, upon the following persons:

Original and nine (9) copies:

Illinois Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218

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NOV 29 2011

STATE OF ILLINOIS
Pollution Control Board

One copy to:

Stephen J. Sylvester
Assistant Attorney General
Environmental Bureau
69 W. Washington St., Suite 1800
Chicago, IL 60602

Bruce Lansu, Registered Agent
Reliable Materials Lyons, LLC
2250 Southwind Blvd.
Bartlett, IL 60103-1304

ORIGINAL

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Kevin B. Hynes
O'Keefe, Lyons & Hynes, LLC
30 N. LaSalle Street, Suite 4100
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A handwritten signature in blue ink, appearing to read "Kevin B. Hynes", written over a horizontal line.

PODLEWSKI & HANSON P.C.

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November 22, 2011

ORIGINAL

Illinois Pollution Control Board, Attn: Clerk
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James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218

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NOV 29 2011

STATE OF ILLINOIS
Pollution Control Board

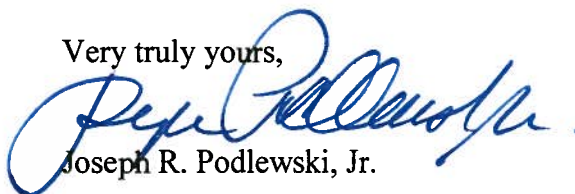
Re: *People v. Reliable Materials Lyons, LLC, et al.*, PCB 12-52 (Enforcement—
Land)

Dear Clerk:

Enclosed please find for filing the original and nine copies of GSG Consultants, Inc.'s Answer to Complaint in the above-referenced case.

Please call me if you have any questions.

Very truly yours,



Joseph R. Podlewski, Jr.

Enclosures