

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
ALPENA VISION RESOURCES, LLC,)	PCB NO. 13-16
a Michigan limited liability company,)	(Enforcement)
)	
Respondent.)	
)	

ANSWER

Respondent, ALPENA VISION RESOURCES, LLC, in answer to the Complaint filed herein by Complainant, PEOPLE OF THE STATE OF ILLINOIS, states as follows:

ANSWERS TO GENERAL ALLEGATIONS

1. Denies.
2. Denies that Complainant is conducting waste disposal activities of any kind, but admits the remaining allegations in Paragraph 2, and affirmatively states that the mining activities as defined in Paragraph 9 of the Complaint, infra, includes activities that take place after the mining is completed, including the spreading and compacting of materials that are part of an approved, permitted mine reclamation plan.
3. Admits.
4. Admits that the said permit was so issued to Respondent on said date, but denies that the permit was attached to the Complaint, denies the remaining allegations of Paragraph 4, and affirmatively states that the said permit speaks for itself.
5. Admits that the said permit allows only carbon recovery and reclamation activities and that it supercedes and replaces the referenced permits, but denies the remaining allegations in Paragraph 5 and affirmatively states that the permit terms speak for themselves.
6. Respondent denies the allegations appearing in Paragraph 6 and affirmatively states

that the permits referenced by numbers in subparagraphs A - F speak for themselves.

7. Admits that there is a Section 401.102 of the Board's Mine Related Water Pollution Regulations, but denies remaining allegations in Paragraph 7 and affirmatively states that said Section 401.102 speaks for itself.

8. Admits that the said Section 401.103 is properly quoted.

9. Admits the allegations appearing in Paragraph 9, and affirmatively states that the mining activities as defined in Paragraph 9 of the Complaint, infra, includes activities that take place after the mining is completed, including the spreading and compacting of materials that are part of an approved, permitted mine reclamation plan.

10. Denies the allegations appearing in the last sentence of Paragraph 10, but admits the remaining allegations in Paragraph 10.

11. Admits that Section 404.110 of the Subtitle D regulations is properly quoted.

12. Admits the allegations appearing in Paragraph 12.

13. Admits.

14. Denies.

15. Admits.

16. Admits.

17. Admits.

18. Admits.

19. Admits.

20. Admits.

21. Admits.

22. Admits.

23. Admits.

24. Denies.

- 25. Denies.
- 26. Denies.
- 27. Denies.
- 28. Denies.
- 29. Denies.
- 30. Denies.

ANSWER TO COUNT I (ALLEGED WATER POLLUTION VIOLATIONS)

1-30. Respondent realleges and incorporates herein by reference its answers to Paragraphs 1-30 as set forth above.

- 31. Admits.
- 32. Admits.
- 33. Admits.
- 34. Admits.
- 35. Admits.
- 36. Admits.
- 37. Admits.
- 38. Admits.
- 39. Denies.
- 40. Denies.
- 41. Denies.
- 42. Denies.
- 43. Denies.
- 44. Denies.

AFFIRMATIVE DEFENSE TO COUNT I

Naturally occurring background constituents present in the soil and groundwater in and

around the said Murdock Mine prevent Respondent from technically and economically avoiding any of the water-related exceedances claimed in the Complaint to have been discovered.

ANSWER TO COUNT II (ALLEGED AIR POLLUTION VIOLATIONS)

1-30. Respondent realleges and incorporates herein by reference its answers to Paragraphs 1-30 as set forth above.

31. Admits.

32. Admits.

33. Denies.

ANSWER TO COUNT III (ALLEGED PERMIT REVOCATION)

1-46. Respondent realleges and incorporates herein by reference its answers to Paragraphs 1-46 of Count I as and for its answers to Paragraphs 1-46 of Count III [though noting that Count I has only 45 paragraphs], and realleges and incorporates herein by reference its answer to Paragraph 33 of Count II as set forth above.

47. Admits.

48. Denies.

49. Denies.

50. Denies.

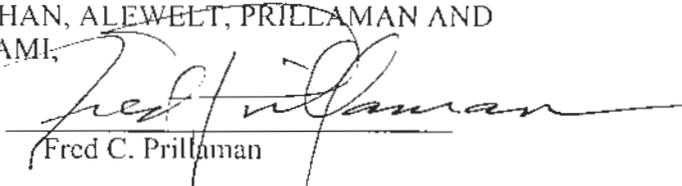
PRAYER FOR RELIEF

WHEREFORE, Respondent, ALPENA VISION RESOURCES, LLC, respectfully requests that the Board dismiss Counts I, II and III of this action against it, and that the Board grant such other and further relief as it deems appropriate.

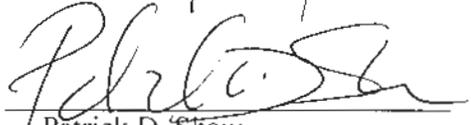
Respectfully submitted,

ALPENA VISION RESOURCES, LLC, a
Michigan limited liability company, by its
attorneys,

MOHAN, ALEWELT, PRILLAMAN AND
ADAMI,

BY: 
Fred C. Prillaman

And

BY: 
Patrick D. Shaw

Fred C. Prillaman
prillaman@mohanlaw.com

ARDC #2254360

Patrick D. Shaw

shaw@mohanlaw.com

ARDC #6216835

MOHAN, ALEWELT, PRILLAMAN AND ADAMI

1 N. Old Capitol Plaza, Suite 325

Springfield, Illinois 62701-1323

Tel. 217-528-2517

Fax. 217-528-2553

www.mohanlaw.com

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