

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
 DAVID C. MILLER)
 MARK G. MILLER)
 LISA E. MILLER)
 MICHELLE A. PAGE)
 ANTHONY L. PAGE)
 RICHARD A. KINTER)
 STACY L. KINTER)
 WALTER G. FLESER)
 TAMMY JOHNSON)
)
 Complainants,)
)
 v.)
)
 SUGAR CAMP ENERGY, LLC)
)
 Respondent.)

RECEIVED
 CLERK'S OFFICE
 NOV 24 2015
 STATE OF ILLINOIS
 Pollution Control Board

PCB 2016-055

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on the 23th day of November 2015, I have caused to be filed with the Pollution Control Board, Attn: Clerk, 100 West Randolph Street, James R. Thompson Center, Suite 11-500, Chicago, Illinois 60601-3218, the attached APPEARANCE and ANSWER.



Kimberly Gladman

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the parties and/or attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such parties and/or attorneys at their business address as disclosed by the pleadings of record herein, via US Mail on November 23, 2015.

A handwritten signature in cursive script, reading "Kimberly Fladhammer". The signature is written in black ink and is positioned centrally on the page.

Kimberly A. Fladhammer (ARDC No. 6211232)
Bailey & Glasser LLP
3601 McDonough Street
Joliet, Illinois 60431
Phone (815) 730-8213
Fax 304-342-1110

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
DAVID C. MILLER)
MARK G. MILLER)
LISA E. MILLER)
MICHELLE A. PAGE)
ANTHONY L. PAGE)
RICHARD A. KINTER)
STACY L. KINTER)
WALTER G. FLESER)
TAMMY JOHNSON)
)
Complainants,)
)
v.)
)
SUGAR CAMP ENERGY, LLC)
)
Respondent.)

PCB 2016-055

RECEIVED
CLERK'S OFFICE
NOV 24 2015
STATE OF ILLINOIS
Pollution Control Board

APPEARANCE

NOW COMES, **Bailey & Glasser LLP**, by and through Kimberly A. Fladhammer, and hereby enters their appearance for SUGAR CAMP ENERGY LLC who is named as the Respondent in the above cause.

BAILEY & GLASSER LLP

By Counsel



Kimberly A. Fladhammer (ARDC No. 6211232)
Bailey & Glasser LLP
3601 McDonough Street
Joliet, Illinois 60431
Phone (815) 730-8213
Fax 304-342-1110

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
DAVID C. MILLER)
MARK G. MILLER)
LISA E. MILLER)
MICHELLE A. PAGE)
ANTHONY L. PAGE)
RICHARD A. KINTER)
STACY L. KINTER)
WALTER G. FLESER)
TAMMY JOHNSON)
Complainants,)
v.)
SUGAR CAMP ENERGY, LLC)
Respondent.)

PCB 2016-055

RECEIVED
CLERK'S OFFICE
NOV 24 2015
STATE OF ILLINOIS
Pollution Control Board

ANSWER

NOW COMES Respondent Sugar Camp Energy, LLC, by and through its attorneys, Bailey & Glasser, LLP, and hereby answers the Complaint in the above-captioned matter.

I. Introduction

The Complaint filed in this matter is a form Complaint provided to the Complainants by the Illinois Pollution Control Board. Thus, the format does not facilitate the specific admission or denial of facts required by an Answer. Although Respondent will Answer each of the numbered items in the Complaint, for avoidance of doubt, Respondent hereby specifically denies all allegations of violations and/or unreasonable noise pollution.

II. Answer

1. Respondent neither admits nor denies the information set out at numbered item 1 of the Complaint, as it has insufficient knowledge to form a belief as to its accuracy.

2. Respondent neither admits nor denies the information set out at numbered item 2 of the Complaint, as it has insufficient knowledge to form a belief as to its accuracy.

3. Respondent neither admits nor denies the information set out at numbered item 3 of the Complaint, as it has insufficient knowledge to form a belief as to its accuracy.

4. Respondent neither admits nor denies the information set out at numbered item 4 of the Complaint, as it has insufficient knowledge to form a belief as to its accuracy.

5. Respondent neither admits nor denies the information set out at numbered item 5 of the Complaint, as it has insufficient knowledge to form a belief as to its accuracy.

6. Respondent neither admits nor denies the information set out at numbered item 6 of the Complaint, as it has insufficient knowledge to form a belief as to its accuracy.

7. Respondent neither admits nor denies the information set out at numbered item 7 of the Complaint, as it has insufficient knowledge to form a belief as to its accuracy.

8. Respondent neither admits nor denies the information set out at numbered item 8 of the Complaint, as it has insufficient knowledge to form a belief as to its accuracy.

9. Respondent neither admits nor denies the information set out at numbered item 9 of the Complaint, as it has insufficient knowledge to form a belief as to its accuracy.

10. Respondent denies the allegations set out at numbered item 10, and it states that its address is "11351 N. Thompsonville Rd., Macedonia, IL 62860."

11. Respondent admits that it owns the coal mine and the ventilation fan at the location described in numbered item 11, but it denies that the ventilation fan is a source of unreasonable noise pollution in violation of regulations.

12. Respondent denies the factual allegations set out in numbered item 12 of the Complaint.

13. Respondent denies the factual allegations set out in numbered item 13 of the Complaint.

14. Respondent denies the factual allegations set out in numbered item 14 of the Complaint.

15. Respondent denies the factual allegations set out in numbered item 15 of the Complaint.

16. Respondent denies the need for any relief sought by Complainants as prayed for in numbered item 16 of the Complaint.

17. Respondent neither admits nor denies the information set out at numbered item 17 of the Complaint, as it has insufficient knowledge to form a belief as to its accuracy.

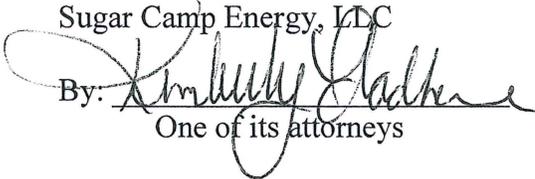
18. Respondent neither admits nor denies the information set out at numbered item 18 of the Complaint, as it has insufficient knowledge to form a belief as to its accuracy.

III. Affirmative Defenses

As Respondent's investigation into this matter proceeds, it may identify affirmative defenses. Consistent with Board Rule 103.204(d), as affirmative defenses are identified, they will be set out in a supplemental Answer prior to hearing. Accordingly, Respondent expressly does not waive any available affirmative defenses it may now, or in the future, have.

Respectfully submitted

Sugar Camp Energy, LLC

By: 

One of its attorneys

Bailey & Glasser LLP
3601 McDonough St
Joliet, IL 60431
T: 815-730-8213
F: 304-342-1110