

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 ELYSIUM ENERGY, an Illinois )  
 limited liability corporation, )  
 )  
 Respondent. )

PCB No. 03-223  
(Enforcement)

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AUG 1 2003  
STATE OF ILLINOIS  
*Pollution Control Board*

**ANSWER**

NOW COMES Respondent, ELYSIUM ENERGY, by its attorneys, Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., Charles J. Northrup, of counsel, and hereby answers the People of the State of Illinois' Complaint.

**COUNT I**

1. Respondent neither admits nor denies the allegations set out in paragraph 1 of Count I of Complainant's Complaint as Respondent lacks knowledge sufficient to form a belief as to those allegations, and further states that the matters alleged therein are known better by Complainant.

2. Respondent generally admits the allegations set out in paragraph 2 of Count I of Complainant's Complaint, but does note that the duties of the Illinois EPA are more specifically set out in the referenced Illinois Environmental Protection Act.

3. Respondent admits the allegations set out in paragraph three of Count I of Complainant's Complaint.

4. Respondent admits the allegations set out in paragraph four of Count I of Complainant's Complaint.

5. Respondent admits the allegations set out in paragraph five of Count I of Complainant's Complaint.

6. Respondent neither admits nor denies the allegations set out in paragraph 6 of Count I of Complainant's Complaint as Respondent lacks knowledge sufficient to form a belief as to those allegations, and further states that what representatives of the Illinois EPA observed is known better by Complainant.

7. Respondent neither admits nor denies the allegations set out in paragraph 7 of Count I of Complainant's Complaint as Respondent lacks knowledge sufficient to form a belief as to those allegations, and further states that what representatives of the Illinois EPA observed is known better by Complainant.

8. Respondent neither admits nor denies the allegations set out in paragraph 8 of Count I of Complainant's Complaint as Respondent lacks knowledge sufficient to form a belief as to those allegations, and further states that what representatives of the Illinois EPA observed is known better by Complainant.

9. Respondent neither admits nor denies the allegations set out in paragraph 9 of Count I of Complainant's Complaint as Respondent lacks knowledge sufficient to form a belief as to those allegations, and further states that what representatives of the Illinois EPA observed is known better by Complainant.

10. Respondent admits that its representatives provided copies of MSDS sheets to an Illinois EPA inspector on or about August 28, 2001 at the facility. Respondent neither admits nor denies the remaining allegations set out in paragraph 10 of Count I of Complainant's Complaint.

11. Respondent admits that the definition of “waste” set out in paragraph 11 of Count I of Complainant’s Complaint is found verbatim at Section 3.53 of the Illinois Environmental Protection Act.

12. Respondent admits that the definition of “open Dumping” set out in paragraph 12 of Count I of Complainant’s Complaint is found verbatim at Section 3.24 of the Illinois Environmental Protection Act.

13. Respondent admits that paragraph 13 of Count I of Complainant’s Complaint sets out verbatim Section 21(a) of the Illinois Environmental Protection Act.

14. Respondent admits that paragraph 14 of Count I of Complainant’s Complaint sets out verbatim Section 21(e) of the Illinois Environmental Protection Act.

15. Respondent admits that paragraph 15 of Count I of Complainant’s Complaint sets out verbatim a portion of Section 21(p) of the Illinois Environmental Protection Act.

16. Respondent admits that paragraph 16 of Count I of Complainant’s Complaint sets out verbatim Section 722.111 of the Illinois Environmental Protection Act.

17. Respondent admits that paragraph 17 of Count I of Complainant’s Complaint sets out verbatim Section 808.121 of the Illinois Environmental Protection Act.

18. Respondent denies the allegations set out at paragraph 18 of Count I of Complainant’s Complaint.

19. Respondent denies the allegations set out at paragraph 19 of Count I of Complainant’s Complaint.

20. Respondent denies the allegations set out at paragraph 20 of Count I of Complainant’s Complaint.

WHEREFORE, Respondent, Elysium Energy respectfully requests that this Board enter judgment in its favor and against Complainant in Count I of Complainant's Complaint and to grant such other and further relief as this Board deems appropriate.

**COUNT II**

1- 12. Respondent restates and incorporates by reference its answers to paragraphs one through 12 of Count I as its answers to paragraphs one through 12 of this Count II.

13. Respondent admits that the definition of "Air Pollution" set out in paragraph 13 of Count II of Complainant's Complaint is found verbatim at Section 3.02 of the Illinois Environmental Protection Act.

14. Respondent admits that the definition of "Contaminant" set out in paragraph 14 of Count II of Complainant's Complaint is found verbatim at Section 3.06 of the Illinois Environmental Protection Act.

15. Respondent admits that the definition of "Open Burning" set out in paragraph 15 of Count II of Complainant's Complaint is found verbatim at Section 3.23 of the Illinois Environmental Protection Act.

16. Respondent admits that paragraph 16 of Count II of Complainant's Complaint sets out verbatim Section 237.101 of 35 Ill. Administrative Code.

17. Respondent admits that paragraph 17 of Count II of Complainant's Complaint sets out verbatim, in part, Section 9 of the Illinois Environmental Protection Act.

18. Respondent admits that paragraph 18 of Count II of Complainant's Complaint sets out verbatim, in part, Section 21 of the Illinois Environmental Protection Act.

19. Respondent denies the allegations set out in paragraph 19 of Count II of Complainant's Complaint.

WHEREFORE, Respondent, Elysium Energy respectfully requests that this Board enter judgment in its favor and against Complainant in Count II of Complainant's Complaint and to grant such other and further relief as this Board deems appropriate.

**COUNT III**

1-16. Respondent restates and incorporates by reference its answers to paragraphs one through 16 of Count I as its answers to paragraphs one through 16 of this Count III.


17. Respondent admits that paragraph 17 of Count III of Complainant's Complaint sets out verbatim, in part, Section 55 of the Illinois Environmental Protection Act.

18. Respondent denies the allegations set out in paragraph 18 of Count III of Complainant's Complaint.

WHEREFORE, Respondent, Elysium Energy respectfully requests that this Board enter judgment in its favor and against Complainant in Count III of Complainant's Complaint and to grant such other and further relief as this Board deems appropriate.

Respectfully submitted,

ELYSIUM ENERGY, Respondent

By   
One of Its Attorneys

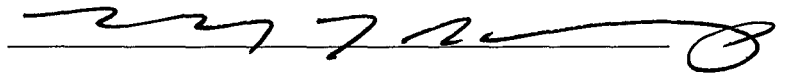
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**PROOF OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served by placing same in a sealed envelope addressed:

Ms. Jane McBride  
Assistant Attorney General  
500 S. Second Street  
Springfield, IL 62706

and by depositing same in the United States mail in Springfield, Illinois, on the 30<sup>th</sup> day of July, 2003, with postage fully prepaid.

A handwritten signature in black ink, appearing to be "M. J. McBride", written over a horizontal line.