

JUL 26 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)	
)	
Complainant,)	
)	
v.)	PCB 04-81
)	
)	
)	
EMMETT UTILITIES, INC. an Illinois)	
Corporation, and RUSSELL D. THORELL,)	
individually and as president of EMMETT)	
UTILITIES, INC.,)	
)	
)	
Respondents.)	

ANSWER OF DEFENDANT, RUSSELL D. THORELL

Defendant Russell D. Thorell, by his attorney, John M. Myers, answers the complaint as follows:

COUNT I

1. This Defendant admits the allegations contained in paragraph 1.
2. This Defendant admits the allegations contained in paragraph 2.
3. This Defendant admits the allegations contained in paragraph 3.
4. This Defendant admits the allegations in the first sentence of paragraph 4 and denies the allegations contained in the second sentence in paragraph 4.
5. This Defendant admits the allegations contained in paragraph 5 except for the allegation that Defendant Thorell "owns and operates a public water supply and waste water treatment system", which he denies.

6. This Defendant admits the allegations contained in paragraph 6 except for the last sentence thereof, which he denies. Further answering, this Defendant states that the 1996 action was dismissed, and that the 2001 action resulted in finding of no liability on the part of Defendant Thorell.

7. This Defendant admits the allegations contained in paragraph 7.

8. This Defendant admits the allegations contained in paragraph 8.

9. This Defendant admits the allegations contained in paragraph 9.

10. This Defendant admits the allegations contained in paragraph 10.

11. This Defendant is without sufficient knowledge to form a belief as to the truth of the allegations in paragraph 11, and therefore denies them.

12. This Defendant admits the allegations contained in paragraph 12. However, this Defendant states that in fact the well pump was fixed within the matter of a couple of days.

13. This Defendant admits that the malfunction of the pump resulted in a temporary total water outage, and denies the remaining allegations in paragraph 13.

14. This Defendant denies the allegations contained in paragraph 14.

15. This Defendant admits the allegations contained in paragraph 15.

16. This Defendant denies the allegations contained in paragraph 16

COUNT II

1-12 This Defendant incorporates its answers to paragraphs 1 through 12 of Count I for its answers to paragraph 1-12 of Count II.

13. This Defendant admits the allegations contained in paragraph 13.

14. This Defendant denies the allegations contained in paragraph 14.
15. This Defendant denies the allegations contained in paragraph 15.
16. This Defendant denies the allegations contained in paragraph 16.
17. This Defendant admits that Emmett Utilities, Inc. was previously adjudicated in violation of Section 18 of the Act and denies the remaining allegations contained in paragraph 17.

18. This Defendant denies the allegations contained in paragraph 18.

COUNT III

1-7. This Defendant realleges its answers to paragraphs 1 through 7 of Count I for its answers to paragraphs 1-7 of this Count III.

8. This Defendant admits the allegations contained in paragraph 8.
9. This Defendant admits the allegations contained in paragraph 9.
10. This Defendant admits the allegations contained in paragraph 10.
11. This Defendant admits the allegations contained in paragraph 11.
12. This Defendant denies the allegations contained in paragraph 12.
13. This Defendant denies the allegations contained in paragraph 13.
14. This Defendant denies the allegations contained in paragraph 14.
15. This Defendant denies the allegations contained in paragraph 15.
16. This Defendant admits that Emmett Utilities, Inc. was previously adjudicated in violation of Section 18 of the Act and denies the remaining allegations contained in paragraph 16.
17. This Defendant denies the allegations contained in paragraph 17.

COUNT IV

1-7. This Defendant realleges its answers to paragraphs 1 through 7 of Count I for its answers to paragraphs 1-7 of this Count IV.

8-13. This Defendant realleges its answers to paragraphs 8 through 13 of Count III for its answers to paragraphs 8-13 of this Count IV.

14. This Defendant admits the allegations contained in paragraph 14.

15. This Defendant denies the allegations contained in paragraph 15.

16. This Defendant denies the allegations contained in paragraph 16.

17. This Defendant admits that Emmett Utilities, Inc. was previously adjudicated in violation of Section 18 of the Act and denies the remaining allegations contained in paragraph 17.

18. This Defendant denies the allegations contained in paragraph 18.

COUNT V

1-7. This Defendant realleges its answers to paragraphs 1 through 7 of Count I for its answers to paragraphs 1 through 7 of this Count V.

8-13. This Defendant realleges its answers to paragraphs 8 through 13 of Count III for its answers to paragraphs 8 through 13 of this Count V.

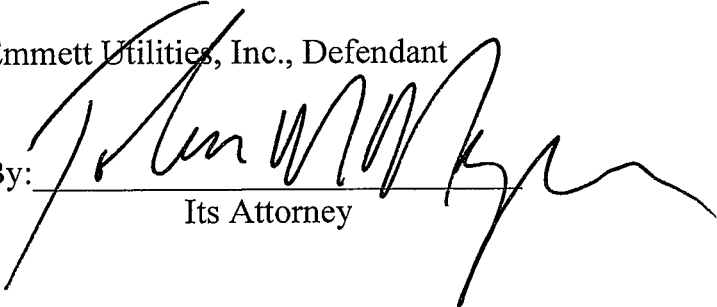
14. This Defendant denies the allegations contained in paragraph 14.

WHEREFORE, Defendant demands judgment in its favor.

Respectfully Submitted,

Emmett Utilities, Inc., Defendant

By:

A handwritten signature in black ink, appearing to be "John W. [unclear]", written over a horizontal line.

Its Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the **ANSWER OF DEFENDANT, EMMETT UTILITIES, INC.** was served upon all counsel of record by placing same in the United States Post Office mail box, postage prepaid in Springfield, Illinois on July 22, 2004 and addressed to:

Thomas Davis, Assistant Attorney General
Office of the Attorney General
Environmental Bureau
188 W. Randolph Street, 20th Floor
Chicago, IL 60601

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

and that the original and 9 copies were filed with the Clerk of the Pollution Control Board.

