

**STATE OF ILLINOIS  
ILLINOIS POLLUTION CONTROL BOARD**

|  |   |                                       |
|--|---|---------------------------------------|
| <b>CASEYVILLE SPORT CHOICE, LLC</b>      | ) |                                       |
|  | ) |                                       |
| <b>Complainant.</b>                      | ) |                                       |
|  | ) |                                       |
| <b>VS.</b>                               | ) | <b>PCB 08-30</b>                      |
|  | ) | <b>(Citizen's Enforcement – Land)</b> |
| <b>ERMA I. SEIBER, ADMINISTRATRIX</b>    | ) |                                       |
| <b>OF THE ESTATE OF JAMES A. SEIBER)</b> | ) |                                       |
| <b>Deceased, and ERMA I. SEIBER,</b>     | ) |                                       |
| <b>Individually.</b>                     | ) |                                       |

**ANSWER**

Now comes the respondents, ERMA I SEIBER, administratrix of the Estate of James A. Seiber, deceased and ERMA I. SEIBER. Individually, by and through her Attorneys, Sprague & Urban, and in response to the formal complaint filed by the Complainants before the Illinois Pollution Control Board, respectfully responds as Follows:

1. Respondent admits the allegations contained in paragraph one.
2. Respondent admits the allegations contained in paragraph two.
3. Respondent admits the allegations contained in paragraph three.
4. Respondent admits that they operated a business which hauled away from a nearby race track large amounts of horse manure and that said manure placed on land in St. Clair County. Respondent lacks sufficient knowledge to admit or deny whether "municipal trash" was included in said disposal and demands strict proof of same.
5. The respondent denies the allegations contained in paragraph five and by way of affirmative defense states that the respondent has previously complied with all enforcement orders issued by the Illinois Pollution Control in regards to this site.

6. Respondent lacks sufficient knowledge to admit or deny the amount of horse manure placed on the site or the municipal trash and therefore denies same and demands strict proof of same.
7. Respondent lacks sufficient knowledge to admit or deny the exact dates that the horse manure was placed on the property but admits that all dumping ceased in conjunction with the enforcement action of the Illinois Pollution Control (most likely in the early 1990's) and denies that the complainant only became aware of these factors in April 2005 in the course of developing the land
8. Respondent lacks sufficient knowledge to either admit or deny the allegations contained in paragraph eight and therefore denies same and demand strict proof of same.
9. Respondent denies that the complainant should receive the relief sought.
10. Respondent admits the allegations contained in paragraph ten.
11. Respondent admits the allegations contained in paragraph eleven
12. Respondent admits the allegations contained in paragraph twelve.

WHEREFORE the respondent would petition this board to deny the prayer for Relief sought by the petitioners and for such other and further relief is just and equitable.

ERMA I. SEIBER, Individually and  
As the Administratrix of the Estate  
Of James A. Seiber, deceased.

By: /s/ Donald W. Urban

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