

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

ROLF SCHILLING, PAM SCHILLING and)
SUZANNE VENTURA,)

Complainants,)

v.)

GARY D. HILL, VILLA LAND TRUST,)
an Illinois Land Trust, and PRAIRIE)
LIVING WEST, LLC)

Respondents.)

PCB. No. 10-100

ORIGINAL

COMPLAINANTS' REPLY TO AMENDED AFFIRMATIVE DEFENSES

NOW COME Complainants, ROLF SCHILLING, PAM SCHILLING and SUZANNE VENTURA, through their undersigned attorneys, Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., Stephen F. Hedinger of Counsel, and for their reply to the Amended Affirmative Defenses to Complaint filed by Respondents, GARY D. HILL, VILLA LAND TRUST, and PRAIRIE LIVING WEST, LLC, state as follows:

AFFIRMATIVE DEFENSE I

1. Complainants lack sufficient information with which to form a belief as to the allegations of Paragraph 1 of Affirmative Defense I; answering further, Complainants state that the documents cited in Paragraph 1 speak for themselves.

2. Complainants lack sufficient information with which to form a belief as to the allegations of Paragraph 2 of Affirmative Defense I; answering further, Complainants state that the documents cited in Paragraph 2 speak for themselves.

3. Complainants lack sufficient information with which to form a belief as to the allegations of Paragraph 3 of Affirmative Defense I; answering further, Complainants state that the documents cited in Paragraph 3 speak for themselves.

4. Complainants lack sufficient information with which to form a belief as to the allegations of Paragraph 4 of Affirmative Defense I.

5. Complainants deny the allegations of Paragraph 5 of Affirmative Defense I.

6. Complainants lack sufficient information with which to form a belief as to the allegations of Paragraph 6 of Affirmative Defense I, except that Complainants deny the portion of said paragraph stating "over whom Respondents exercise no control and for whom Respondents are not legally responsible."

AFFIRMATIVE DEFENSE II

1. Complainants admit the allegations of Paragraph 1 of Affirmative Defense II.

2. Complainants deny the allegations of Paragraph 2 of Affirmative Defense II to the extent the allegations concern the entire "flow of water" referenced therein; Complainants admit that a portion of the referenced "flow of water" is located upon land owned by Rolf and Pam Schilling.

3. Complainants deny the allegations of Paragraph 3 of Affirmative Defense II.

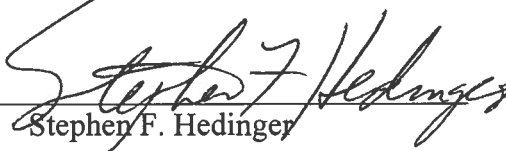
WHEREFORE Complainants, ROLF SCHILLING, PAM SCHILLING and SUZANNE VENTURA, request that this Board enter an order against each of the Respondents, VILLA LAND TRUST, an Illinois Land Trust, GARY D. HILL, and PRAIRIE LIVING WEST, LLC , finding each to be in violation of the Illinois Environmental Protection Act for the reasons stated in Complainant's Citizen's Complaint, order Respondents and each of them to immediately cease and desist from the identified violations of the Illinois Environmental Protection Act, order each Respondent to pay an appropriate penalty pursuant to the Illinois Environmental Protection Act, and for all such other and further relief as this Board deems appropriate and available.

Date: May 31, 2011

Respectfully submitted,

ROLF SCHILLING, PAM SCHILLING and
SUZANNE VENTURA, Complainants

By:


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