

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

People of the State of Illinois )  
By Lisa Madigan, Attorney General )  
Of the State of Illinois )  
 )  
Complainant )  
 )  
V, )  
 )  
SUPER MIX, INC., an Illinois Corporation )  
 )  
Respondent )

PCB No. 11-88  
(Enforcement- Water)

**RECEIVED**  
**CLERK'S OFFICE**

**JUL 22 2011**

**STATE OF ILLINOIS**  
**Pollution Control Board**

**NOTICE OF FILING**

TO: Jennifer A Van Wie  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington St., Suite 1800  
Chicago, IL 60602

**ORIGINAL**

Chad Kruse  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
PO Box 19276  
Springfield, IL 62794-9276

**PLEASE TAKE NOTICE** that I have today caused to be filed with the Offices of the Clerk of Pollution Control Board the Respondent, Super Mix, Inc's, Appearance, and Respondent's Answer to Complaint, a copies of which are herewith served upon you.

**Name:** Donald C. Stinespring & Associates      **Attorney for:** Respondent  
**Address:** P.O. Box 382, Richmond, Illinois 60071      **Attorney No:** 6243959  
**Telephone:** (815) 678-4553

**PROOF OF SERVICE BY MAIL**

I, Sue Coon, a non-attorney, on oath state I served this notice by mailing a copy of the above at the above address and depositing the same in the U.S. mail at 5510 Mill, Richmond, Illinois 60071 before the hour of 5:00 p.m. on this 21<sup>st</sup> day of July, 2011, with proper postage prepaid.

**[ x ] Under penalties as provided by Law pursuant to  
IL.REV.STAT. Ch.110-Sec. 1-109 I certify that  
the statements set forth herein are true and correct.**

A handwritten signature in blue ink, appearing to read "Donald C. Stinespring, Jr.", written over a horizontal line.

DONALD C. STINESPRING & ASSOCIATES  
Donald C. Stinespring, Jr. - ARDC#6243959  
John J. Murray Jr.- ARDC# 6295292  
Attorneys for Respondent  
5414 Hill Road, P.O. Box 382  
Richmond, Illinois 60071  
815/678-4553

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

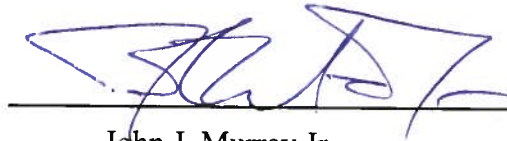
People of the State of Illinois )  
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**APPEARANCE**

NOW COMES, DONALD C. STINESPRING & ASSOCIATES, as attorneys, and enters their appearance for Respondent, SUPER MIX, INC.



John J. Murray Jr.

**ORIGINAL**

DONALD C. STINESPRING & ASSOCIATES  
Donald C. Stinespring, Jr. - ARDC#6243959  
John J. Murray Jr.- ARDC# 6295292  
Attorneys for Respondent  
5414 Hill Road, P.O. Box 382  
Richmond, Illinois 60071  
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**ORIGINAL**

**RESPONDENT'S ANSWER TO COMPLAINT**

**NOW COMES**, Respondent, SUPER MIX, INC., an Illinois Corporation, by and through its attorneys, DONALD C. STINESPRING & ASSOCIATES, answer the allegations contained in Complainants Complaint, as follows:

1. Upon information and belief, Respondent admits the allegations contained in Paragraph 1 of said Complaint.
2. Upon information and belief, Respondent admits the allegations contained in paragraph 2 of said Complaint.
3. Admits.
4. Admits.
5. Admits.
6. Admits.
7. Admits.
8. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 8, but demands strict proof thereof.
9. Respondent lacks sufficient knowledge or information to either admit or deny what an inspector observed as alleged in this Paragraph 9, but demands strict proof thereof.
10. Deny.
11. Deny.
12. Deny.
13. Deny.
14. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 14, but demands strict proof thereof.
15. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 15, but demands strict proof thereof.

16. Respondent lacks sufficient knowledge or information to either admit or deny what an Illinois EPA inspector observed as alleged in this paragraph 16. Respondent denies the use of discharges as defined in complaint and denies it traveled offsite.
17. Respondent lacks sufficient knowledge or information to either admit or deny what an Illinois EPA inspector observed as alleged in this paragraph 17, but demands strict proof thereof.
18. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 18, but demands strict proof thereof.
19. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 19, but demands strict proof thereof.
20. Respondent lacks sufficient knowledge or information to either admit or deny what an Illinois EPA inspector observed as alleged in this paragraph 20. Respondent denies the use of discharges as defined in complaint and denies it traveled offsite.
21. Respondent lacks sufficient knowledge or information to either admit or deny what action an inspector took, as alleged in this paragraph 21.
22. Respondent lacks sufficient knowledge or information to either admit or deny results as alleged in paragraph 22, and denies the results are related or caused by Super Mix, Inc. in as alleged in paragraph 22.
23. Respondent lacks sufficient knowledge or information to either admit or deny what an inspector noted as alleged in this paragraph 23.
24. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 24, but demands strict proof thereof.
25. Respondent lacks sufficient knowledge or information to either admit or deny what an inspector observed as alleged in this paragraph 25. Respondent denies any waste was caused by Super Mix, Inc.
26. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 26, but demands strict proof thereof.
27. Respondent lacks sufficient knowledge or information to either admit or deny what an inspector observed as alleged in this paragraph 27.
28. Upon information and belief Respondent admits the allegations contained in paragraph 28.
29. Upon information and belief Respondent admits the allegations contained in paragraph 29.
30. Upon information and belief Respondent admits the allegations contained in paragraph 30.
31. Upon information and belief Respondent admits the allegations contained in paragraph 31.
32. Respondent lacks sufficient knowledge or information to either admit or deny what was or was not present in the water as alleged in this paragraph 32. Respondent denies that Super Mix, Inc. caused any“contaminates” to be present.

33. Upon information and belief Respondent admits the allegations contained in paragraph 33.
34. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 34, but demands strict proof thereof.
35. Upon information and belief Respondent admits the allegations contained in paragraph 35.
36. Deny.
37. Deny.

WHEREFORE, Respondent, SUPER MIX, INC., respectfully request this Honorable Board, dismiss Complainant's Complaint and for such further other relief as just.

## COUNT II

- 1-33. Respondent realleges and reaffirms its allegations contained in Paragraph 1 through 33 in Count I, as though fully set forth herein.
34. Upon information and belief Respondent admits the allegations contained in paragraph 33.
35. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 35, but demands strict proof thereof.
36. Upon information and belief Respondent admits the allegations contained in paragraph 36.
37. Upon information and belief Respondent admits the allegations contained in paragraph 37.
38. Deny.
39. Upon information and belief Respondent admits the allegations contained in paragraph 39.
40. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 40, but demands strict proof thereof.
41. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 41, but demands strict proof thereof.
42. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 42 but demands strict proof thereof.
43. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 43 but demands strict proof thereof. Denies Super Mix, Inc discharged pollutants to navigable waters.
44. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 44 but demands strict proof thereof.

45. Respondent denies Super Mix, Inc had discharges as alleged in the complaint.
46. Deny.

WHEREFORE, Respondent, SUPER MIX, INC., respectfully request this Honorable Board, dismiss Complainant's Complaint and for such further other relief as just.

### COUNT III

- 1-36. Respondent realleges and reaffirms its allegations contained in Paragraph 1 through 36 in Count II, as though fully set forth herein.
37. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 37 but demands strict proof thereof.
38. Respondent lacks sufficient knowledge or information to either admit or deny allegations as to the Inspectors actions in this paragraph 38 but demands strict proof thereof.
39. Respondent lacks sufficient knowledge or information to either admit or deny allegations as to the Inspectors actions in this paragraph 39 but demands strict proof thereof.
40. Deny.

WHEREFORE, Respondent, SUPER MIX, INC., respectfully request this Honorable Board, dismiss Complainant's Complaint and for such further other relief as just.

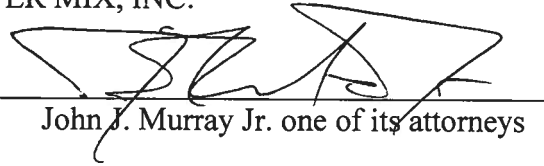
### COUNT IV

- 1-36. Respondent realleges and reaffirms its allegations contained in Paragraph 1 through 33 in Count II, as though fully set forth herein.
37. Upon information and belief Respondent admits the allegations contained in paragraph 37.
38. Upon information and belief Respondent admits the allegations contained in paragraph 38.
39. Deny.
40. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 40 but demands strict proof thereof.
41. Deny.
42. Deny.
43. Deny.
44. Deny.
45. Deny.

WHEREFORE, Respondent, SUPER MIX, INC., respectfully request this Honorable Board, dismiss Complainant's Complaint and for such further other relief as just.

SUPER MIX, INC.

By:



John J. Murray Jr. one of its attorneys

DONALD C. STINESPRING & ASSOCIATES  
Donald C. Stinespring, Jr. - ARDC#6243959  
John J. Murray Jr.- ARDC# 6295292  
Attorneys for Respondent  
5414 Hill Road, P.O. Box 382  
Richmond, Illinois 60071  
815/678-4553



# DONALD C. STINESPRING & ASSOCIATES

ATTORNEYS AT LAW



Donald C. Stinespring  
Donald C. Stinespring, Jr.\*  
\*Also Licensed in Wisconsin  
John J. Murray Jr.+  
+Also Licensed in Iowa

Christine Palya, Paralegal  
Marla Willey, Paralegal

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STATE OF ILLINOIS  
Pollution Control Board

July 20, 2011

Clerk of the Illinois Pollution Control Board  
James W. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, IL 60601

RE: Ppl. v. Super Mix, Inc. - PCB No. 11-88

Dear Clerk:

Enclosed please find my Appearance, Notice of Filing, and Respondent's Response to Complaint in regards to the above captioned matter, which I ask be filed and a file-stamped copy of each returned to the undersigned in the enclosed, self-addressed, stamped envelope.

I thank you in advance for your assistance herein.

Sincerely,

  
JOHN J. MURRAY JR.

JJM:sc

Enclosures

Cc: Super Mix

ORIGINAL