

Illinois Attorney #6197210

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
PEOPLE OF THE STATE OF ILLINOIS**

STATE OF ILLINOIS	)	
Complainant,	)	
	)	PCB No. 07-95
v	)	
	)	
	)	(Enforcement)
AET ENVIRONMENTAL, INC. AND	)	
E.O.R. ENERGY, LLC,	)	
Respondents.	)	
	)	

**NOTICE OF MOTION AND ELECTRONIC FILING**

**ALL PARTIES PLEASE TAKE NOTICE** that on May 24, 2013, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois a copy of this **Notice and Certificate of Filing and Service and MOTION FOR STAY OF FINAL ORDER**, a copy of which is attached hereto and herewith served upon you.

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that I did on May 24, 2013, e-file with the Clerk, and on May 25, 2013, did send by First Class U.S. Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box, a true and correct copy of this document and the following instrument entitled **MOTION FOR STAY**, on behalf of both **AET Environmental, Inc. and E.O.R. Energy, LLC**, to the following persons by the method and at the address indicated:

**SERVICE LIST**

*E-Filed with:*

Dorothy Gunn, Clerk  
c/o John Therriault, Asst. Clerk  
Illinois Pollution Control Board  
1021 N. Grand Avenue East  
Springfield, IL. 62794

*Served By U.S. Mail On:*

State of Illinois - IEPA c/o Mr. Michael Mankowski, Esq. Assistant Attorney General 500 South Second Street Springfield, Illinois 62706	Hearing Officer Carol Webb PCB 1021 N. Grand Avenue East Springfield, IL 62794	
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Respectfully submitted,

s/ *Felipe Gomez, Esq.*

Felipe Gomez, Esq.

LAW OFFICE OF FELIPE GOMEZ, ESQ.  
116 S. Western Ave. - # 12319  
Chicago, IL 60612-2319  
312-399-3966  
*gomzfn1@netscape.net*

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
PEOPLE OF THE STATE OF ILLINOIS**

STATE OF ILLINOIS	)	
Complainant,	)	
	)	
v.	)	PCB No. 07-95
	)	(Enforcement)
AET ENVIRONMENTAL, INC. AND	)	
E.O.R. ENERGY, LLC,	)	
Respondents.	)	
	)	

**RESPONDENTS' JOINT MOTION FOR STAY OF FINAL ORDER**

**NOW COMES CO-RESPONDENTS E.O.R. ENERGY, LLC and AET ENVIRONMENTAL, INC.,** by and through undersigned counsel of record, (hereinafter "Parties"), and pursuant to 415 ILCS 5/41, 35 IAC 101.906(c), SCR 335, and 35 IAC 100.500(a), SCR respectfully files this Motion for Stay ("Motion") with the Illinois Pollution Control Board ("IPCB"), and requests that the Board stay its April 18, 2013, Final Order pending appeal, and states in support:

1. 35 IAC 101.906(c) states that the procedure for obtaining a stay of any final Board order during appeal is as provided in Rule 335 of the Rules of the Supreme Court of Illinois (SCR 335). SCR 335(g) provides that application for a stay pending direct review in the Appellate Court is to be made in the first instance to the agency.
2. 35 IAC 100.500(a) provides that the Board may entertain any motion the parties wish to file that is permissible under the Act or other applicable law, these rules, or the Illinois Code of Civil Procedure.
3. On May 24, 2013, Petitioners mailed for filing, by Certified Priority mail, separate Petitions for Direct Review of the April 18, 2013, January 24, 2013, January 10, 2013, and September 6, 2012, orders of the Board, to the Illinois Fourth Circuit Court of Appeals. *Attachment A - Copies of Petitions/Certificates of Filing and Service, and Proof of Mailing.*
4. Per SCR 373, if the Petitions are received by the Clerk by the expected date of Tuesday, May 28, 2013, that will be the date of filing of the appeal, however, if received after that date, the date of mailing (May 24, 2013), will be the date of filing, thus, in either case, the appeals have been perfected in the 4<sup>th</sup> Circuit under the applicable rules.

**RELIEF REQUESTED**

**WHEREFORE**, pursuant to the foregoing provisions and based upon the filing of appeals, AET and EOR jointly request that the Board stay its April 18, 2013, final order and prohibit enforcement thereof as to both AET and EOR, pending appeal.

Respectfully submitted on May 24, 2013, By:

s/: *Felipe Gomez, Esq.*

Felipe Gomez, Esq.

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116 S. Western Ave. - # 12319  
Chicago, IL 60612-2319  
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**ATTACHMENT A**

IN THE APPELLATE COURT OF ILLINOIS  
FOR THE FOURTH DISTRICT

E.O.R. ENERGY, LLC

Petitioner,

v.

Illinois Pollution Control Board

Respondent.

Petition for Direct Review of Orders and Decision  
of the Illinois Pollution Control Board

(PCB 2007-095: People of the State of Illinois v.

AET Environmental, Inc., a Colorado corporation and

E.O.R. Energy, LLC, a Colorado limited liability company)


NOTICE OF FILING AND CERTIFICATE OF SERVICE OF  
PETITION FOR REVIEW

TO: **Illinois Pollution Control Board**, 1021 N. Grand Avenue East, Springfield, IL., 62794  
**AET Environmental Inc.**, 14 Lakeside Lane, Denver CO., 80212

PLEASE TAKE NOTICE that on May 24, 2013, Petitioner **E.O.R. ENERGY, LLC** mailed for filing in the Appellate Court of Illinois, Fourth Judicial District, the attached **PETITION FOR REVIEW**, a copy of which is hereby served upon you.

CERTIFICATE OF SERVICE BY U.S. MAIL

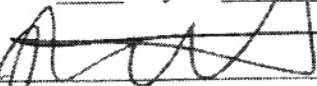
I, Felipe Gomez, Esq., on oath state that I served the attached PETITION FOR REVIEW and this NOTICE OF FILING AND CERTIFICATE OF SERVICE upon the parties listed above by enclosing copies of same in envelopes, addressed as shown above with First Class postage prepaid (with Proof of Mailing), and depositing them in the U.S. Mail Depository/ Post Office in Chicago, IL.

 Dated: May 24, 2013  
Felipe Gomez, Esq., Attorney for Petitioner E.O.R. ENERGY, LLC

LAW OFFICE OF FELIPE GOMEZ, ESQ.  
116 S. WESTERN AVE. - POB 12319  
CHICAGO, IL 60613-2319  
GOMZFNG1@NETSCAPE.NET  
ARDC # 6197210  
312-399-3966

Signed and sworn to before me

on this 24 day of May, 2013

  
Notary Public

OFFICIAL SEAL  
PEDRO CASTANEDA  
Notary Public - State of Illinois  
My Commission Expires May 13, 2014

IN THE APPELLATE COURT OF ILLINOIS  
FOR THE FOURTH DISTRICT

<u>E.O.R. ENERGY, LLC</u>	)	
Petitioner,	)	
	)	
v.	)	<b>Petition for Direct Review of Orders and Decision</b>
	)	<b>of the Illinois Pollution Control Board</b>
<b>Illinois Pollution Control Board</b>	)	
	)	(PCB 2007-095: People of the State of Illinois v.
Respondent.	)	AET Environmental, Inc., a Colorado corporation and
	)	E.O.R. Energy, LLC, a Colorado limited liability company)

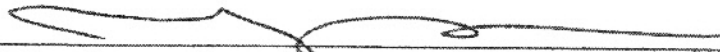
PETITION FOR REVIEW

Petitioner **E.O.R. ENERGY, LLC**, ("EOR") hereby respectfully petitions this court for review and reversal, pursuant to and as provided in 415 ILCS 5/41, 35 IAC 101.906, SCR 335, and 5 ILCS 100/10-50, of the following orders of the **Illinois Pollution Control Board**, the last and final order adverse to Petitioner being entered in the matter below on April 18, 2013:

1. **9/6/12 Order:** Granting State's 6/27/12 Motion for Summary Judgment, finding Petitioner violated 415 ILCS 5/ et seq., and imposing \$200,000 penalty;
2. **1/10/13 Order:** Affirming 9/6/12 IPCB Order;
3. **4/18/13 Order:** Denying EOR 2/19/13 Motion to Reconsider.

\* \* \*

Respectfully Submitted to the Appellate Court of Illinois for the Fourth Judicial District By:

  
Dated: May 24, 2013  
**Felipe Gomez, Esq., Attorney for Petitioner E.O.R. ENERGY, LLC**

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CHICAGO, IL 60613-2319  
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ARDC #6197210  
312-399-3966

IN THE APPELLATE COURT OF ILLINOIS  
FOR THE FOURTH DISTRICT

AET ENVIRONMENTAL, INC. )  
Petitioner, )  
 )  
v. ) **Petition for Direct Review of Orders and Decision**  
 ) **of the Illinois Pollution Control Board**  
 )  
 ) (PCB 2007-095: People of the State of Illinois v.  
**Illinois Pollution Control Board** ) AET Environmental, Inc., a Colorado corporation and  
 ) E.O.R. Energy, LLC, a Colorado limited liability company)  
 )  
Respondent. )  
\_\_\_\_\_ )

NOTICE OF FILING AND CERTIFICATE OF SERVICE OF  
PETITION FOR REVIEW

TO: **Illinois Pollution Control Board**, 1021 N. Grand Avenue East, Springfield, IL., 62794  
**E.O.R. ENERGY, LLC**, 14 Lakeside Lane, Denver CO., 80212

PLEASE TAKE NOTICE that on May 24, 2013, Petitioner **AET ENVIRONMENTAL, INC.** mailed for filing in the Appellate Court of Illinois, Fourth Judicial District, the attached **PETITION FOR REVIEW**, a copy of which is hereby served upon you.

CERTIFICATE OF SERVICE BY U.S. MAIL

I, Felipe Gomez, Esq, on oath state that I served the attached PETITION FOR REVIEW and this NOTICE OF FILING AND CERTIFICATE OF SERVICE upon the parties listed above by enclosing copies of same in envelopes, addressed as shown above with First Class postage prepaid (with Proof of Mailing), and depositing them in the U.S. Mail Depository/ Post Office in Chicago, IL.

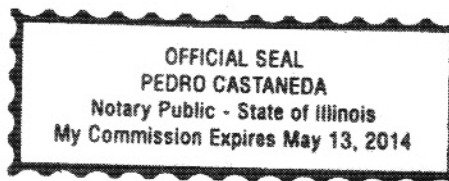
\_\_\_\_\_, Dated: May 24, 2013  
Felipe Gomez, Esq., Attorney for Petitioner AET ENVIRONMENTAL, INC.

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CHICAGO, IL 60613-2319  
GOMZFNG1@NETSCAPE.NET  
ARDC # 6197210  
312-399-3966

Signed and sworn to before me

on this 24 day of May, 2013.

\_\_\_\_\_  
Notary Public





WICKER PARK  
1300 N ASHLAND AVE FRNT E  
CHICAGO, IL 60622-2268

05/24/2013 02:58:23 PM

Sales Receipt			
Product	Sale	Unit	Final
Description	Qty	Price	Price

SPRINGFIELD, IL 62794			\$5.60
Zone-3 Priority Mail® Window			
FR Env			
* Expected delivery Tuesday, May 28.			
Certified Mail™			\$3.10
%% Label #:			
9502 6000 0480 3144 0002 33			

Issue Postage: \$8.70

SPRINGFIELD, IL 62794			\$5.60
Zone-3 Priority Mail® Window			
FR Env			
* Expected delivery Tuesday, May 28.			
Certified Mail™			\$3.10
%% Label #:			
9502 6000 0480 3144 0002 40			

Issue Postage: \$8.70

Total: \$17.40

Paid by:  
VISA \$17.40  
Account #: XXXXXXXXXXXX4399  
Approval #: 035915  
Transaction #: 721  
23-901950196-99

APC Transaction #: 49  
USPS® # 161595-9559

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