

addressed to such attorneys and to said hearing officer with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 17st day of June, 2013.

Respectfully submitted,

PROFESSIONAL SWINE MANAGEMENT, LLC,
One of the Respondents

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: 

Joel A. Benoit

Fred C. Prillaman
Joel A. Benoit
MOHAN, ALEWELT, PRILLAMAN & ADAMI
1 North Old Capitol Plaza, Suite 325
Springfield, IL 62701-1323
Telephone: 217/528-2517
Facsimile: 217/528-2553

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
vs.)	PCB No. 2010-084
)	(Enforcement)
PROFESSIONAL SWINE MANAGEMENT,)	
LLC; HILLTOP VIEW, LLC; WILDCAT FARMS,)	
LLC; HIGH-POWER PORK, LLC; EAGLE)	
POINT, LLC; LONE HOLLOW, LLC;)	
TIMBERLINE, LLC; PRAIRIE STATE GILTS,)	
LTD; and LITTLE TIMBER, LLC,)	
)	
Respondents.)	

**RESPONDENT PROFESSIONAL SWINE MANAGEMENT, LLC'S
ANSWER TO THE SECOND AMENDED COMPLAINT**

NOW COMES Respondent Professional Swine Management, LLC (PSM), by and through its attorneys, Mohan, Alewelt, Prillaman & Adami, and for its Answer to the Second Amended Complaint, states as follows:

COUNT I - HILLTOP VIEW, SCHUYLER COUNTY

1. Admit.
2. Admit.
3. Admit.
4. PSM: (a) admits that Respondent Hilltop owns the facility; (b) on information and belief, admits that the alleged location of the facility is correct; (c) on information and belief, admits that the facility is within the Sugar Creek watershed; and (d) on information and

belief, admits that the allegation that the facility has a design capacity of several thousand sows.

5. Admit.
6. PSM admits that, during the relevant time period, and pursuant to a contract between it and Respondent Hilltop, it performed certain services for Respondent Hilltop relative to the operation of Respondent Hilltop's facility. PSM denies the remaining factual allegations of Paragraph 6.
7. PSM: (a) has no knowledge sufficient to form a belief as to whether an IEPA inspection occurred on June 16, 2006, or, if it did, what the inspector observed, and so denies these allegations; (b) admits that, on June 16, 2006, no confinement buildings were on site, no swine were on site, earthwork had been performed, and no artificial erosion controls were in place; and (c), due to the vague nature of the word "adjacent," has no knowledge sufficient to form a belief as to whether the asserted location of the excavation work as alleged is true and, therefore, denies same.
8. PSM: (a) admits that there was a concrete batch plant; (b) admits that concrete materials were stockpiled; (c) has no knowledge of what the inspector observed, including the alleged eroded channel and alleged trucks dumping material, and so denies these allegations; (d) has no knowledge sufficient to form a belief regarding any alleged channel draining east, and so denies this allegation; and (e) because no response is required to legal conclusions, neither admits nor denies that Sugar Creek is a water of the state and a water of the United States.
9. Admit.

10. Admit. PSM notes that, for the same alleged violation, IEPA accepted Prairie Landworks' CCA, but it rejected PSM's and Respondent Hilltop's CCA.
11. Admit.
12. PSM denies that Joseph Connor was the site manager. PSM admits the remaining allegations of Paragraph 12.
13. PSM admits that the IEPA rejected the CCA proposed by Respondents, but denies that the rejection was due to the nature and seriousness of any alleged violations.
14. PSM has no knowledge sufficient to form a belief as to the truth of the factual allegations alleged in Paragraph 14 and, therefore, denies same. As any storm water construction regulations speak for themselves, PSM neither admits nor denies Complainant's legal conclusions.
15. Admit.
16. PSM: (a) on information and belief, admits that an inspection occurred and that it is documented; (b) admits the general description of the facility; and (c) admits that the facility could house 7,800 swine weighing over 55 pounds each.
17. PSM: (a) has no knowledge of what the inspector observed, and so denies all allegations based on alleged observations; (b) has no knowledge as to the hydrological connections and streams identified nor that any livestock waste were discharged into waters of the state or of the United States based on the allegations of Paragraph 17, and, therefore, denies all these allegations; and (c) because no response is required to legal conclusions, neither admits nor denies that the alleged discharge to the ditch is a discharge to a water of the state and a water of the United States in violation of any NPDES regulations.

18. Admit.
19. The first two sentences of Paragraph 19 consist of legal conclusions and, thus, require no response. To the extent the third sentence of Paragraph 19 may be alleging that the facility was not governed by an NPDES permit on May 28, 2009, PSM admits same. If any other facts are alleged in Paragraph 19, PSM denies them.
20. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
21. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
22. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
23. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
24. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
25. The first two sentences of Paragraph 25 consist of legal conclusions and, thus, require no response. If any other facts are alleged in Paragraph 25, PSM denies them. To the extent Paragraph 25 quotes law, the law quoted speaks for itself and requires no response.
26. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
27. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.

28. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
29. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
30. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
31. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
32. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
33. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
34. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
35. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
36. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
37. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
38. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.

39. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
40. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
41. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
42. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
43. Deny.
44. Deny.
45. Deny.
46. Deny.

PRAYER FOR RELIEF

WHEREFORE, Respondent Professional Swine Management, LLC, prays that the Board deny Complainant's requested relief in Count I and, instead, enter an order finding in Respondent Professional Swine Management, LLC's favor on all charges and awarding it costs and such other and further relief as is just.

COUNT II - WILDCAT FARMS, HANCOCK COUNTY

1. Admit.
2. Admit.
3. Admit.
4. PSM: (a) admits that Respondent Wildcat Farms owns the facility; (b) on information and belief, admits that the alleged location of the facility is correct; (c) has no knowledge sufficient to form a belief as to whether the facility is within the Wildcat Creek watershed and, therefore, denies this allegation; and (d) on information and belief, admits that facility can house 6000 sows weighing more than 55 pounds.
5. Admit.
6. PSM admits that, during the relevant time period, and pursuant to a contract between it and Respondent Wildcat Farms, it performed certain services for Respondent Wildcat Farms relative to the operation of Respondent Wilcat Farm's facility. PSM denies the remaining factual allegations of Paragraph 6.
7. PSM: (a) admits that the facility consists of five buildings that house swine; (b) denies that most of the buildings have four-foot-deep pits and, on information and belief, states that most of the buildings have two-foot-deep pits; (c) admits that there are two above-ground manure storage tanks, but had insufficient knowledge as to the reported capacity and, accordingly, denies this allegation; and (d) admits the general description of how the manure is transferred and stored and how the pipes are constructed so that they may be maintained.
- 8-28. For its answer to Paragraphs 8-28 of Count II, PSM adopts and incorporates by reference

herein its answers to Paragraphs 20- 24 and Paragraphs 26-28 of Count I.

29. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
30. PSM admits all factual allegations of Paragraph 30 except, due to no knowledge as to its truth, the allegations concerning where the manure allegedly flowed, which, accordingly, is denied.
31. PSM: (a) admits that the inspection was conducted; and (b) has insufficient knowledge concerning the truth of the remaining allegations of Paragraph 31 and, accordingly, denies same.
32. PSM: (a) admits that a dam was constructed to contain the manure; and (b) due to insufficient knowledge as to the truth of the remaining allegations of Paragraph 32, denies same.
33. Due to insufficient knowledge as to the truth of Paragraph 33's factual allegations, PSM denies same. Because no response is required to legal conclusions, PSM neither admits nor denies that the alleged discharge was to a water of the United States.
34. Admit.
35. Deny.
36. Deny.
37. Deny.
38. Deny.
39. Deny.
40. PSM admits that the Wildcat facility did not have an NPDES permit, nor had a permit

application been submitted to the IEPA. PSM neither admits nor denies the legal conclusion that the alleged discharge from the cleanout is a point source discharge.

41. Deny.

PRAYER FOR RELIEF

WHEREFORE, Respondent Professional Swine Management, LLC, prays that the Board deny Complainant's requested relief in Count II and, instead, enter an order finding in Respondent Professional Swine Management, LLC's favor on all charges and awarding it costs and such other and further relief as is just.

COUNT III - HIGH-POWER PORK, ADAMS COUNTY

1. Admit.
2. Admit.
3. Admit.
4. PSM: (a) admits that Respondent High-Power owns the facility; (b) on information and belief, admits that the alleged location of the facility is correct; (c) on information and belief, admits that the site is in the Cedar Creek and LaMoine River watershed; and (d) on information and belief, admits that facility is designed to hold 6,000 sows.
5. Admit.
6. PSM admits that, during the relevant time period, and pursuant to a contract between it

and Respondent High-Power Pork, it performed certain services for Respondent High-Power Pork relative to the operation of Respondent High-Power Pork's facility. PSM denies the remaining factual allegations of Paragraph 6.

7. Admit.

8-29. For its answer to Paragraphs 8-29 of Count III, PSM adopts and incorporates by reference herein its answers to Paragraphs 8-29 of Count II.

30. Admit and affirmatively state that the State of Illinois valued the fish killed at \$55.61.

31. PSM: (a) admits that the facility housed 6,000 sows weighing more than 55 pounds on November 10, 2008; (b) because there is no requirement that it do so, neither admits nor denies the legal conclusion that Cedar Creek is a water of the United States; and (c) has no knowledge sufficient to form a belief that the alleged discharge caused a fish kill or, if it did, that that means there was a significant nexus between the discharge and biological, chemical, and physical impact to a water of the United States and, accordingly, denies these allegations.

32. PSM has no knowledge sufficient to form a belief as to what neighbors observed or acts they took in regard to the alleged discharge and, accordingly, denies these allegations.

33. Deny.

34. Deny.

35. Deny.

36. Deny.

37. Deny.

38. PSM admits that there was no NPDES permit for the High-Power facility on November

10, 2008, nor had a permit application been submitted to the IEPA. PSM neither admits nor denies the legal conclusion that the alleged discharge from the break in the transfer line is a point source discharge.

39. Deny.

PRAYER FOR RELIEF

WHEREFORE, Respondent Professional Swine Management, LLC, prays that the Board deny Complainant's requested relief in Count III and, instead, enter an order finding in Respondent Professional Swine Management, LLC's favor on all charges and awarding it costs and such other and further relief as is just.

AFFIRMATIVE DEFENSE TO COUNT III

As Complainant did not follow the procedures set forth in 415 ILCS 5/31 prior to filing this enforcement action, Count III must be dismissed with prejudice.

COUNT IV - EAGLE POINT FARMS, FULTON COUNTY

1. Admit.
2. Admit.
3. Admit.
4. PSM: (a) admits that Respondent Eagle Point owns the facility; (b) on information and

belief, admits that the alleged location of the facility is correct; (c) has no knowledge sufficient to form a belief regarding the surface water drainage pattern at the facility and, therefore, denies this allegation; (d) on information and belief, admits that facility is designed to hold 6,500 sows; and (e) admits that sows weigh over 55 pounds.

5. Admit.

6. PSM admits that, during the relevant time period, and pursuant to a contract between it and Respondent Eagle Point Farms, it performed certain services for Respondent Eagle Point Farms relative to the operation of Respondent Eagle Point Farm's facility. PSM denies the remaining factual allegations of Paragraph 6.

7. Admit.

8-28. For its answer to Paragraphs 8-28 of Count IV, PSM adopts and incorporates by reference herein its answers to Paragraphs 8-28 of Count II.

29. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.

30. On information and belief, PSM admits that the IEPA inspected the Eagle Point facility on May 10, 2007. PSM has no knowledge sufficient to form a belief as to the truth of the remaining facts alleged in Paragraph 30 and, accordingly, denies same.

31. PSM admits that there is a septic system on site. As to other facts alleged in Paragraph 31, PSM has no knowledge sufficient to form a belief as to their truth and, accordingly, denies same.

32. PSM has no knowledge sufficient to form a belief as to the truth of the facts alleged in Paragraph 32 and, accordingly, denies same. PSM neither admits nor denies the legal

conclusion that the alleged discharge was to waters of the United States.

33. Deny.
34. Deny.
35. Deny.
36. Deny.
37. PSM: (a) admits that there was no NPDES permit issued for or applied for the facility on May 10, 2007; and (b) PSM neither admits nor denies the legal conclusion that the discharge was a point source discharge.
38. Deny.

PRAYER FOR RELIEF

WHEREFORE, Respondent Professional Swine Management, LLC, prays that the Board deny Complainant's requested relief in Count IV and, instead, enter an order finding in Respondent Professional Swine Management, LLC's favor on all charges and awarding it costs and such other and further relief as is just.

AFFIRMATIVE DEFENSE TO COUNT IV

As Complainant did not follow the procedures set forth in 415 ILCS 5/31 prior to filing this enforcement action, Count IV must be dismissed with prejudice.

COUNT V - LONE HOLLOW, HANCOCK COUNTY

1. Admit.
2. Admit.
3. Admit.
4. PSM: (a) admits that Respondent Lone Hollow owns the facility; (b) on information and belief, admits that the alleged location of the facility is correct; (c) has no knowledge sufficient to form a belief regarding the watershed the facility is located in or how streams in the area connect to one another and, therefore, denies these allegations; (d) on information and belief, admits that facility is designed to hold 5,600 sows and did house approximately this number of sows on September 25, 2007; and (e) admits that sows weigh over 55 pounds.
5. Admit.
6. PSM admits that, during the relevant time period, and pursuant to a contract between it and Respondent Lone Hollow, it performed certain services for Respondent Lone Hollow relative to the operation of Respondent Lone Hollow's facility. PSM denies the remaining factual allegations of Paragraph 6. Deny.
7. PSM admits all factual allegations except the allegation concerning what an IEPA inspector observed, of which, PSM has no knowledge sufficient to form a belief as to the truth of and, accordingly, denies same.
- 8-28. For its answer to Paragraphs 8-28 of Count V, PSM adopts and incorporates by reference herein its answers to Paragraphs 8-28 of Count II.
29. PSM admits the factual allegations of Paragraph 29 except: (a) it denies that there was a

- waterway; and (b) due to insufficient knowledge regarding what the inspector advised be done in response to the release, denies these allegations.
30. PSM has no knowledge sufficient to form a belief as to the truth of the facts alleged in Paragraph 30 and, accordingly, denies same.
31. PSM has no knowledge sufficient to form a belief as to the truth of the facts alleged in Paragraph 31 and, accordingly, denies same.
32. PSM denies that there was a waterway and, thus, denies that waste remained in the waterway. To the extent any waste remained on the ground, PSM states that it was confined and ultimately recovered. PSM has no knowledge sufficient to form a belief regarding the truth of the allegations concerning discharges from perimeter tiles and, accordingly, denies same.
33. PSM has no knowledge sufficient to form a belief as to the truth of the facts alleged in Paragraph 33 and, accordingly, denies same. PSM neither admits nor denies the legal conclusion that the alleged discharge was to waters of the United States.
34. Deny.
35. Deny.
36. Deny.
37. Deny.
38. PSM: (a) admits that there was no NPDES permit issued for or applied for the facility on September 25, 2007; and (b) PSM neither admits nor denies the legal conclusions that the discharges were point source discharges.
39. Deny.

PRAYER FOR RELIEF

WHEREFORE, Respondent Professional Swine Management, LLC, prays that the Board deny Complainant's requested relief in Count V and, instead, enter an order finding in Respondent Professional Swine Management, LLC's favor on all charges and awarding it costs and such other and further relief as is just.

AFFIRMATIVE DEFENSE TO COUNT V

As Complainant did not follow the procedures set forth in 415 ILCS 5/31 prior to filing this enforcement action, Count V must be dismissed with prejudice.

COUNT VI - TIMBERLINE, SCHUYLER COUNTY

1. Admit.
2. Admit.
3. Admit.
4. PSM: (a) admits that Respondent Timberline owns the facility; (b) on information and belief, admits that the alleged location and general description of the facility is correct; (c) has no knowledge sufficient to form a belief regarding the watershed the facility is located in and, therefore, denies this allegation; (d) denies that facility consists of three buildings and affirmatively states that it consists of four buildings; and (e) denies that the

facility maintains approximately 3,000 sows.

5. Admit.
6. PSM admits that, during the relevant time period, and pursuant to a contract between it and Respondent Timberline, it performed certain services for Respondent Timberline relative to the operation of Respondent Timberline's facility. PSM denies the remaining factual allegations of Paragraph 6.
- 7-27. For its answer to Paragraphs 7-27 of Count VI, PSM adopts and incorporates by reference herein its answers to Paragraphs 8-28 of Count II.
28. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
29. PSM admits that the inspection occurred. PSM has no knowledge sufficient to form a belief as to the truth of the remaining facts alleged in Paragraph 29 and, accordingly, denies same.
30. PSM has no knowledge sufficient to form a belief as to the truth of the facts alleged in Paragraph 30 and, accordingly, denies same. PSM neither admits nor denies the legal conclusion that the alleged discharge was to waters of the United States.
31. Admit.
32. Deny.
33. Deny.
34. Deny.
35. Deny.
36. Deny.

37. PSM: (a) admits that there was no NPDES permit issued for or applied for the facility on September 11, 2008; and (b) PSM neither admits nor denies the legal conclusions that the discharge was a point source discharge.
38. Deny.

PRAYER FOR RELIEF

WHEREFORE, Respondent Professional Swine Management, LLC, prays that the Board deny Complainant's requested relief in Count VI and, instead, enter an order finding in Respondent Professional Swine Management, LLC's favor on all charges and awarding it costs and such other and further relief as is just.

AFFIRMATIVE DEFENSE TO COUNT VI

As Complainant did not follow the procedures set forth in 415 ILCS 5/31 prior to filing this enforcement action, Count VI must be dismissed with prejudice.

COUNT VII - PRAIRIE STATE GILTS, SCHUYLER COUNTY

1. Admit.
2. Admit.
3. Admit.

4. PSM: (a) admits that Respondent Prairie State Gilts owns the facility; (b) on information and belief, admits that the alleged location and general description of the facility is correct; and (c) admits that the facility can house the number of swine alleged at the weights alleged.
5. Admit.
6. PSM admits that, during the relevant time period, and pursuant to a contract between it and Respondent Prairie State Gilts, it performed certain services for Respondent Prairie State Gilts relative to the operation of Respondent Prairie State Gilt's facility. PSM denies the remaining factual allegations of Paragraph 6.
7. Admit.
8. Admit.
- 9-30. For its answer to Paragraphs 9-30 of Count VII, PSM adopts and incorporates by reference herein its answers to Paragraphs 8-29 of Count II.
31. Admit except to the extent that the color of the pipe, white, itself was a means of warning that the pipe existed in the location.
32. PSM admits the factual allegations of Paragraph 32 except: (a) it has no knowledge sufficient to form a belief as to the truth of the allegation that there is a tributary to the pond and, accordingly, denies same; and (b) it has no knowledge sufficient to form a belief as to the truth of the allegation that the pond is sometimes used to water the swine and, accordingly, denies same.
33. PSM admits the facts alleged in the first sentence of Paragraph 33. PSM has insufficient knowledge to form a belief as to the truth of the allegation concerning where the pond

ultimately discharged and, accordingly, denies same.

34. PSM has no knowledge sufficient to form a belief as to the truth of the facts alleged in Paragraph 34 and, accordingly, denies same. PSM neither admits nor denies the legal conclusion that the any water mentioned in Count VII is connected to or discharges into waters of the United States.
35. PSM: (a) admits that an inspection was conducted in response to a self-reported release; (b) has no knowledge of what the IEPA inspector may have observed or the alleged conditions of the pond and, accordingly, denies these allegations; and (C) admits the existence of the overflow pipe.
36. Admit.
37. Admit.
38. Deny.
39. Deny.
40. Deny.
41. Deny.
42. Deny.
43. PSM: (a) admits that there was no NPDES permit issued for or applied for the facility on July 7, 2008; and (b) PSM neither admits nor denies the legal conclusions that the discharge was a point source discharge.
44. Deny.

PRAYER FOR RELIEF

WHEREFORE, Respondent Professional Swine Management, LLC, prays that the Board deny Complainant's requested relief in Count VII and, instead, enter an order finding in Respondent Professional Swine Management, LLC's favor on all charges and awarding it costs and such other and further relief as is just.

AFFIRMATIVE DEFENSE TO COUNT VII

As Complainant did not follow the procedures set forth in 415 ILCS 5/31 prior to filing this enforcement action, Count VII must be dismissed with prejudice.

COUNT VIII - LITTLE TIMBER, HANCOCK COUNTY

1. Admit.
2. Admit.
3. Admit.
4. PSM: (a) admits that Respondent Little Timber owns the facility; (b) on information and belief, admits that the alleged location and general description of the facility is correct; (c) admits that the facility can house the number of sows alleged; and (d) has no knowledge sufficient to form a belief regarding the watershed the facility is located in and, therefore, denies this allegation.

5. Admit and further note that there are currently five confinement buildings.
6. Admit.
7. PSM admits that, during the relevant time period, and pursuant to a contract between it and Respondent Little Timber, it performed certain services for Respondent Little Timber relative to the operation of Respondent Little Timber's facility. PSM denies the remaining factual allegations of Paragraph 7.
- 8-29 For its answer to Paragraphs 8-29 of Count VIII, PSM adopts and incorporates by reference herein its answers to Paragraphs 8-29 of Count II.
30. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
31. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
32. The law quoted speaks for itself; no facts are alleged; thus, no response is required nor given.
33. Admit.
34. PSM: (a) has no knowledge regarding what the IEPA inspector observed and, accordingly, denies all allegations regarding same; (b) other than as noted in (c), has no knowledge sufficient to form a belief as to the truth of the remaining allegations of Paragraph 34 and, accordingly, denies same; and (c) admits that the compost area, on June 1, 2004, was fenced on three sides and not protected from precipitation.
35. PSM has no knowledge sufficient to form a belief as to the truth of Paragraph 35's allegations and, accordingly, denies same.

36. PSM has no knowledge sufficient to form a belief as to the truth of the facts alleged in Paragraph 36 and, accordingly, denies same.
37. PSM admits that the IEPA sent the alleged letter, which speaks for itself. At the time of preparing this answer, PSM has been unable to locate the alleged well data, but affirmatively states that the data speaks for itself. PSM has no knowledge sufficient to form a belief as to the truth of the remaining factual allegations in Paragraph 37 and, accordingly, denies same.
38. Admit.
39. PSM: (a) admits that there was an inspection: (b) has no knowledge regarding what the IEPA inspector observed and, accordingly, denies these allegations; and (c) admits the recommendations attributed to the IEPA inspector.
40. PSM has no knowledge sufficient to form a belief as to the truth of the facts alleged in Paragraph 40 and, accordingly, denies same.
41. PSM has no knowledge sufficient to form a belief as to the truth of the facts alleged in Paragraph 41 and, accordingly, denies same.
42. PSM has no knowledge sufficient to form a belief as to the truth of the facts alleged in Paragraph 42 and, accordingly, denies same.
43. PSM has no knowledge sufficient to form a belief as to the truth of the facts alleged in Paragraph 43 and, accordingly, denies same.
44. PSM has no knowledge sufficient to form a belief as to the truth of the facts alleged in Paragraph 44 and, accordingly, denies same. PSM neither admits nor denies the legal conclusion that any discharges were discharges to waters of the United States.

45. Deny.
46. Deny.
47. Deny.
48. Deny.
49. Deny.
50. Deny.
51. PSM: (a) admits that there was no NPDES permit issued for or applied for the facility in 2004-2007; and (b) PSM neither admits nor denies the legal conclusions that the discharges were point source discharges.
52. Deny.

PRAYER FOR RELIEF

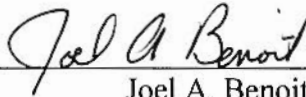
WHEREFORE, Respondent Professional Swine Management, LLC, prays that the Board deny Complainant's requested relief in Count VI and, instead, enter an order finding in Respondent Professional Swine Management, LLC's favor on all charges and awarding it costs and such other and further relief as is just.

AFFIRMATIVE DEFENSE TO COUNT VIII

As Complainant did not follow the procedures set forth in 415 ILCS 5/31 prior to filing this enforcement action, Count VIII must be dismissed with prejudice.

PROFESSIONAL SWINE MANAGEMENT, LLC,
One of the Respondents

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: 
Joel A. Benoit

Fred C. Prillaman
Joel A. Benoit
MOHAN, ALEWELT, PRILLAMAN & ADAMI
1 North Old Capitol Plaza, Suite 325
Springfield, IL 62701-1323
Telephone: 217/528-2517
Facsimile: 217/528-2553

\\Terry\Mapa\Professional Swine Management\PSM Answer to Second Amended Complaint.wpd

COUNTY OF HANCOCK)
) SS
STATE OF ILLINOIS)

Section 2-610 Affidavit

I, Julie Totten, an adult resident of Lee County, Iowa, if sworn as a witness, am competent to testify to the following facts:

1. I am the Chief Financial Officer of Professional Swine Management, LLC, ("PSM") one of the Respondents named in *People v. Professional Swine Management, LLC, et al.*, No. 10-84 (Illinois Pollution Control Board).

2. I assisted PSM's attorneys in the preparation of PSM's Answer to the Second Amended Complaint.

3. In response to certain factual allegations set forth in the Second Amended Complaint, as allowed by 735 ILCS 5/2-610(b), PSM denied the factual allegations on the ground that PSM has no knowledge sufficient to form a belief as to their truth, and these statements of lack of knowledge are true.

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters, the undersigned certifies as aforesaid that she verily believes the same to be true.

Dated: 6.14.13

Julie A Totten
Julie Totten