

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED**  
CLERK'S OFFICE

OCT 18 2007

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,  
Complainant,

v.

AET ENVIRONMENTAL INC., a Colorado  
Corporation, and E.O.R. ENERGY, LLC, a  
Colorado limited liability company,

Respondent.

PCB 07-95

Enforcement

**NOTICE OF FILING**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Respondent's Answer to the Complainant's Complaint and my Appearance on behalf of E. O. R. Energy, LLC., a Colorado Limited Liability Company, copies of which are hereby served upon you.

Respectfully submitted,

  
David S. O'Neill

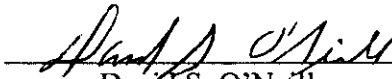
October 18, 2007

David S. O'Neill  
Attorney at Law  
5487 N. Milwaukee Avenue  
Chicago, IL 60630-1249  
(773) 792-1333

## CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Respondent's Answer to Complainant's Complaint and my Appearance on behalf of E. O. R. Energy, LLC, a Colorado Limited Liability Company, by first class mail on October 18, 2007 upon the following party:

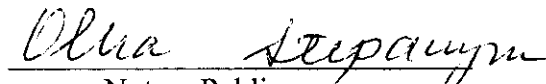
Michael D. Mankowski  
Assistant Attorney General  
Illinois Attorney General's Office  
500 S. Second St.  
Springfield, Illinois 62706

  
David S. O'Neill

NOTARY SEAL

SUBSCRIBED AND SWORN TO ME this 10/18/2007

day of October 18, 20 07

  
Notary Public



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STATE OF ILLINOIS  
Pollution Control Board

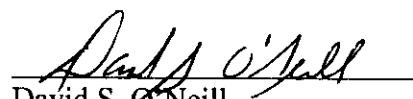
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
	)	PCB 07-95
v.	)	
	)	Enforcement
AET ENVIRONMENTAL INC., a Colorado	)	
Corporation, and E.O.R. ENERGY, LLC, a	)	
Colorado limited liability company,	)	
	)	
Respondent.	)	

**APPEARANCE**

I hereby file my appearance in this proceeding, on behalf of E. O. R. Energy, LLC, a Colorado Limited Liability Company.

Respectfully submitted,

  
David S. O'Neill

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Attorney at Law  
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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
	)	PCB 07-95
v.	)	
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AET ENVIRONMENTAL INC., a Colorado	)	
Corporation, and E.O.R. ENERGY, LLC, a	)	
Colorado limited liability company,	)	
	)	
Respondent.	)	

**RESPONDENT'S ANSWER TO COMPLAINANT'S COMPLAINT**

The Respondent, E. O. R. ENERGY, LLC., a Colorado Limited Liability Company, by and through its attorney, David S. O'Neill, herein responds to the Complainant's Complaint as provided in Section 103.204(d) of the Board's rules.

COUNT I

FAILURE TO COMPLY WITH REPORTING REQUIREMENTS  
FILING FALSE REPORT

1. In response to item 1 in Count I, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
2. In response to item 2 in Count I, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
3. In response to item 3 in Count I, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
4. In response to item 4 in Count I, is without knowledge or information sufficient to form a belief as to the truth of the allegations.
5. In response to item 5 in Count I, the Respondent admits the allegations.
6. In response to item 6 in Count I, the Respondent admits the allegation.
7. In response to item 7 in Count I, the Respondent admits the allegations.
8. In response to item 8 in Count I, the Respondent admits the allegations.

9. In response to item 9 in Count I, the Respondent admits the allegations.
10. In response to item 10 in Count I, the Respondent admits the allegations.
11. In response to item 11 in Count I, the Respondent admits the allegations.
12. In response to item 12 in Count I, the Respondent admits the allegations.
13. In response to item 13 in Count I, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
14. In response to item 14 in Count I, the Respondent denies the allegations.
15. In response to item 15 in Count I, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
16. In response to item 16 in Count I, the Respondent denies the allegations regarding Arvada rejecting the shipment because it was in a reactive state but admits that Safety-Kleen rejected the acid.
17. In response to item 17 in Count I, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
18. In response to item 18 in Count I, the Respondent admits that E.O.R. Energy is located in the same office facility as the Respondent but has no independent recollection as to when E.O.R. Energy became aware of the acid.
19. In response to item 19 in Count I, the Respondent admits that inquired about the acid but denies the remainder of the allegations in this item.
20. In response to item 20 in Count I, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
21. In response to item 21 in Count I, the Respondent are unaware of any hazardous waste acid being shipped from AET Environmental transfer station in Commerce City during the time period referenced in the item 21 in Count 1 and therefore denies the allegations.
22. In response to item 22 in Count I, the Respondent denies the allegations.
23. In response to item 23 in Count I, the Respondent denies that any hazardous waste was discharged or disposed.
24. In response to item 24 in Count I, the Respondent denies that eight totes of acid were discharged into wells during a three to four month period.

25. In response to item 25 in Count I, the Respondent denies that any hazardous waste was discharged into any wells owned or controlled by the Respondent.
26. In response to item 26 in Count I, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
27. In response to item 27 in Count I, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
28. In response to item 28 in Count I, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
29. In response to item 29 in Count I, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
30. In response to item 30 in Count I, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
31. In response to item 31 in Count I, the Respondent denies the allegations with respect to E. O.R. Energy LLC and is without knowledge or information sufficient to form a belief as to the truth of the allegations with respect to AET Environmental.

#### COUNT II

- 1-30. Respondent restates and incorporates herein by reference items 1 through 30 of Count I as items 1 through 30 of this Count II.
31. In response to item 31 in Count II, the Respondent denies the allegations.
32. In response to item 32 in Count II, the Respondent denies the allegations.

#### COUNT III

- 1-30. Respondent restates and incorporates herein by reference items 1 through 30 of Count I as items 1 through 30 of this Count III.
31. In response to item 31 in Count III, the Respondent admits the allegations.
32. In response to item 32 in Count III, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
33. In response to item 33 in Count III, the Respondent denies the allegations.

- 34. In response to item 34 in Count III, the Respondent denies the allegations.
- 35. In response to item 35 in Count III, the Respondent denies the allegations that E. O. R. Energy is an operator of a facility but admits the remainder of the allegations in this item.
- 36. In response to item 36 in Count III, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
- 37. In response to item 37 in Count III, the Respondent denies the allegations.
- 38. In response to item 38 in Count III, the Respondent denies the allegations.
- 39. In response to item 39 in Count III, the Respondent admits the allegations.
- 40. In response to item 40 in Count III, the Respondent is not an operator of an HWM facility, admits that it did not apply for a permit and denies being subject to the standard.
- 41. In response to item 41 in Count III, the Respondent denies the allegations.

#### COUNT IV

- 1-33. Respondent restates and incorporates herein by reference items 1 through 30 of Count I as items 1 through 33 of this Count IV.
- 34. In response to item 34 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
- 35. In response to item 35 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
- 36. In response to item 36 in Count IV, the Respondent denies the allegations.
- 37. In response to item 37 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
- 38. In response to item 38 in Count IV, the Respondent denies the allegations.
- 39. In response to item 39 in Count IV, the Respondent denies the allegations.
- 40. In response to item 404 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
- 41. In response to item 41 in Count IV, the Respondent denies the allegations.

42. In response to item 42 in Count IV, the Respondent denies the allegations.
43. In response to item 43 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
44. In response to item 44 in Count IV, the Respondent denies the allegations.
45. In response to item 44 in Count IV, the Respondent denies the allegations.
46. In response to item 46 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
47. In response to item 47 in Count IV, the Respondent denies the allegations.
48. In response to item 48 in Count IV, the Respondent denies the allegations.
49. In response to item 49 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
50. In response to item 50 in Count IV, the Respondent denies the allegations.
51. In response to item 51 in Count IV, the Respondent denies the allegations.
52. In response to item 52 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
53. In response to item 53 in Count IV, the Respondent denies the allegations.
54. In response to item 54 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
55. In response to item 55 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
56. In response to item 56 in Count IV, the Respondent denies the allegations.
57. In response to item 57 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
58. In response to item 58 in Count IV, the Respondent denies the allegations.
59. In response to item 59 in Count IV, the Respondent admits the allegations.
60. In response to item 60 in Count IV, the Respondent denies the allegations.



61. In response to item 61 in Count IV, the Respondent denies the allegations.
62. In response to item 62 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
63. In response to item 63 in Count IV, denies the allegations.
64. In response to item 64 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
65. In response to item 65 in Count IV, the Respondent denies the allegations.
66. In response to item 66 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
67. In response to item 67 in Count IV, the Respondent denies the allegations.
68. In response to item 68 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
69. In response to item 34 in Count IV, the Respondent denies the allegations.
70. In response to item 70 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
71. In response to item 71 in Count IV, the Respondent denies the allegations.
72. In response to item 72 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
73. In response to item 73 in Count IV, the Respondent denies the allegations.
74. In response to item 74 in Count IV, the Respondent admits the allegations.
75. In response to item 75 in Count IV, the Respondent denies the allegations.
76. In response to item 76 in Count IV, the Respondent admits the allegations.
77. In response to item 77 in Count IV, the Respondent denies the allegations.
78. In response to item 78 in Count IV, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
79. In response to item 79 in Count IV, the Respondent denies the allegations.

COUNT V

- 1-30. Respondent restates and incorporates herein by reference items 1 through 30 of Count I as items 1 through 30 of this Count V.
31. In response to item 31 in Count V, the Respondent admits the allegations.
32. In response to item 32 in Count V, the Respondent admits the allegations..
33. In response to item 33 in Count V, the Respondent admits the allegations.
34. In response to item 34 in Count V, the Respondent admits the allegations.
35. In response to item 35 in Count V, the Respondent denies the allegations.
36. In response to item 36 in Count V, the Respondent denies the allegations.
37. In response to item 37 in Count V, the Respondent denies the allegations.

Respectfully submitted,

  
David S. O'Neill

David S. O'Neill  
Attorney at Law  
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