

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:	)	
	)	
LORETTA THIGPEN	)	
	)	
Complainant.	)	
	)	PCB 2008-012
v.	)	
	)	
MORTON MOBILE HOME PARK, LLC,	)	
an Illinois limited liability company, d/b/a	)	
EDGE WOOD TERRACE	)	
MOBILE HOME	)	
PARK,	)	
	)	
Respondent.	)	

**RESPONSE TO CITIZEN'S COMPLAINT**

NOW COMES Respondent, MORTON MOBILE HOME PARK LLC, by and through its counsel, William J. Anaya of ARNSTEIN & LEHR LLP, and in response to Complainant's Citizen's Complaint, Respondent states as follows:

**RESPONSE TO COUNT I ARSENIC MCL EXCEEDANCES**

1. This Citizen's Complaint is brought by Complainant on her own motion, pursuant to the terms and provisions of Section 31(d)(1) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(d)(1), and Section 103.200 of the Illinois Administrative Code, 35 III. Adm. Code 103.200.

**RESPONSE:** Respondent acknowledges that Complainant initiated this action pursuant to the Act, but Respondent denies that Complainant has authority to bring this action and Respondent denies that Complainant has a cause action or relief against Respondent based on the allegations described in this Citizen's Complaint or pursuant to the Act.

2. Respondent, Morton Mobile Home Park, LLC, is an Illinois limited liability company which owns, operates, and does business as the Edgewood Terrace Mobile Home Park ("Edgewood Terrace") located at 24150 Veteran's Road in the Village of Morton, Tazewell County, Illinois, and in connection therewith also operates the "Morton Mobile Home Park Public Water Supply,"

Illinois Environmental Protection Act (IEPA) Facility No. IL 1795345, which is a "public water supply" as defined under Section 3.365 of the Act, 415 ILCS 5/3.365 (2007), as follows:

"Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply."

Respondent's public water supply is a "community water supply" or "CWS" as that term is defined under Section 3.145 of the Act, 415 ILCS 5/3.145 (2007).

**RESPONSE:** Respondent admits that Respondent, Morton Mobile Home Park, LLC, is an Illinois limited liability company that owns, operates, and does business as the Edgewood Terrace Mobile Home Park ("Edgewood Terrace"), which mobile home park is located at 24150 Veteran's Road in the Village of Morton, Tazewell County, Illinois; further responding, Respondent acknowledges that the definition of "community water supply" from the Act is accurately reproduced above, but Respondent denies that Complainant has any cause of action or relief against this Respondent thereunder; further responding, Respondent denies the remainder of the allegations described in paragraph 2 of the Citizen's Complaint.

3. Complainant is a resident of Edgewood Terrace, Lot 67, and obtains her water source from the Morton Mobile Home Park Public Water Supply, provided by Respondent.

**RESPONSE:** Respondent acknowledges that Complainant currently resides at Lot 67 of Edgewood Terrace, but Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Complaint, and therefore, denies same.

4. Respondent's water supply is located in the Village of Morton, Tazewell County, Illinois.

**RESPONSE:** Respondent admits that Respondent obtains water for Edgewood Terrace from within the Village of Morton, Tazewell County, Illinois.

5. Section 18(a) of the Act, 415 ILCS 5/18(a) (2007), provides, in pertinent part:

(a) No person shall:

- (1) Knowingly cause, threaten or allow the distribution of water from any public water supply of such quality or quantity as to be injurious to human health; or
- (2) Violate regulations or standards adopted by the Agency pursuant to Section 15(b) of this Act or by the Board under this Act; or
- (3) Construct, install or operate any public water supply without a permit granted by the Agency, or in violation of any condition imposed by such a permit.

**RESPONSE:** Respondent acknowledges that Section 18(a) of the Act is accurately reproduced above, but Respondent denies that Complainant has any cause of action or relief against this Respondent thereunder.

6. Section 601.101 of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 601.101, provides that:

Owners and official custodians of a public water supply in the State of Illinois shall provide pursuant to the Environmental Protection Act [415 ILCS 5] (Act), the Pollution Control Board (Board) Rules, and the Safe Drinking Water (42 U.S.C. 300f *et seq.*) continuous operation and maintenance of public water supply facilities so that the water shall be assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption.

**RESPONSE:** Respondent acknowledges that 35 Ill. Adm. Code Section 601.101 is accurately reproduced above, but Respondent denies that Complainant has any cause of action or relief against this Respondent thereunder.

7. "Maximum contaminant level" or "MCL" is defined at Section 611.101 of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 611.101, as "the maximum permissible level of a contaminant in water that is delivered to any user of a public water system.

**RESPONSE:** Respondent acknowledges that 35 Ill. Adm. Code Section 611.101 is accurately reproduced above, albeit, without reference to Section 611.121, but Respondent denies that Complainant has any cause of action or relief against this Respondent thereunder.

8. Section 611.121(a) of the Board's Public Water Supplies Regulations, 35 Ill Adm. Code 611.121(a), provides that:

Maximum Contaminant Levels: No person may cause or allow water that is delivered to any user to exceed the MCL for any contaminant.

**RESPONSE:** Respondent acknowledges that 35 Ill. Adm. Code Section 611.121(a) is accurately reproduced above, but Respondent denies that Complainant has any cause of action or relief against this Respondent thereunder.

9. Section 611.301 of the Board's Public Water Supplies Regulations, 35 111 Adm. Code 611.301, provides, in pertinent part:

Revised MCLs for Inorganic Chemical Contaminants

b. The MCLs in the following table apply to CWSs. Except for fluoride, the MCLs also apply to NTNCWSs. The MCLs for nitrate, nitrite, and total nitrate and nitrate also apply to transient non-CWSs.

Arsenic (effective January 23, 2006): 0.010 mg/l.

**RESPONSE:** Respondent acknowledges that part of 35 Ill. Adm. Code Section 611.301 is accurately reproduced above, and Respondent denies that Complainant has any cause of action or relief against this Respondent thereunder.

10. The Illinois EPA determines compliance with the Arsenic MCL through a running annual average for arsenic ("RAN"), reported quarterly and derived from Respondent's arsenic samples take [sic] at the mobile home park's water supply.

**RESPONSE:** Respondent lacks knowledge or information sufficient to form a belief as

to the truth of the allegations relating to Illinois EPA' s purported methods and protocols associated with the collection of samples, transfers thereof and chain of custody, or the purported accuracy, reliability, relevancy, authenticity and admissibility as evidence of the data generated by an unidentified person or persons, using an unidentified methodology, and which relate, in any way, to any issue of compliance with the Act or the alleged non-compliance described anywhere in this Complaint and at Paragraph 10 of the Complaint, and therefore, denies same; further responding, Respondent denies the remainder of the allegations described at paragraph 10 of the Citizen's Complaint.

11. In the second quarter of 2006, Respondent's RAA was .051 mg/l.

**RESPONSE:** Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations relating to Illinois EPA's purported methods, protocols and evidentiary foundation associated with the collection of samples, transfer thereof, the chain of custody, or the purported accuracy, reliability, relevancy, authenticity and admissibility as evidence of the data generated by an unidentified person or persons, using an unidentified methodology, and which relate, in any way, to any issue of compliance with the Act or the alleged non-compliance described anywhere in this Complaint and at Paragraph 11 of the Complaint, and therefore, denies same; further responding, Respondent denies the remainder of the allegations described at paragraph 11 of the Complaint.

12. In the third quarter of 2006, Respondent's RAA was 0.046 mg/l.

**RESPONSE:** Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations relating to Illinois EPA's purported methods, protocols and evidentiary foundation associated with the collection of samples, transfer thereof, the chain of custody, or the purported accuracy, reliability, relevancy, authenticity and admissibility as

evidence of the data generated by an unidentified person or persons, using an unidentified methodology, and which relate, in any way, to any issue of compliance with the Act or the alleged non-compliance described anywhere in this Complaint and at Paragraph 12 of the Complaint, and therefore, denies same; further responding, Respondent denies the remainder of the allegations described at paragraph 12 of the Complaint.

13. In the fourth quarter of 2006, Respondent's RAA was 0.033 mg/l.

**RESPONSE:** Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations relating to Illinois EPA's purported methods, protocols and evidentiary foundation associated with the collection of samples, transfer thereof, the chain of custody, or the purported accuracy, reliability, relevancy, authenticity and admissibility as evidence of the data generated by an unidentified person or persons, using an unidentified methodology, and which relate, in any way, to any issue of compliance with the Act or the alleged non-compliance described anywhere in this Complaint and at Paragraph 13 of the Complaint, and therefore, denies same; further responding, Respondent denies the remainder of the allegations described at paragraph 13 of the Complaint.

14. In the first quarter of 2007, Respondent's RAA was 0.033 mg/l.

**RESPONSE:** Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations relating to Illinois EPA's purported methods, protocols and evidentiary foundation associated with the collection of samples, transfer thereof, the chain of custody, or the purported accuracy, relevancy, reliability, authenticity and admissibility as evidence of the data generated by an unidentified person or persons, using an unidentified methodology, and which relate, in any way, to any issue of compliance with the Act or the alleged non-compliance described anywhere in this Complaint and at Paragraph 14 of the

Complaint, and therefore, denies same; further responding, Respondent denies the remainder of the allegations described at paragraph 14 of the Complaint.

15. In the second quarter of 2007, Respondent's RAA was 0.026 mg/l.

**RESPONSE:** Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations relating to Illinois EPA's purported methods, protocols and evidentiary foundation associated with the collection of samples, transfer thereof, the chain of custody, or the purported accuracy, relevancy, reliability, authenticity and admissibility as evidence of the data generated by an unidentified person or persons, using an unidentified methodology, and which relate, in any way, to any issue of compliance with the Act or the alleged non-compliance described anywhere in this Complaint and at Paragraph 15 of the Complaint, and therefore, denies same; further responding, Respondent denies the remainder of the allegations described at paragraph 15 of the Complaint.

16. Respondent has knowingly allowed the distribution of water with levels of arsenic exceeding the standard in 35 Ill. Adm. Code 611.301(b), thereby violating Section 611.121(a) of the Board's Public Water Supplies Regulations 35 Ill, Adm. Code 611.121(a), and thereby violating Section 18 of the Act, 415 ILCS 5/18 (2007).

**RESPONSE:** Denied.

17. Section 611, Appendix H of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 611. Appendix H, provides the following Standard health effects language for public notification for contaminant #9, Arsenic: "Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer."

**RESPONSE:** Respondent acknowledges that 35 Ill. Adm. Code Section 611, Appendix H is only partially reproduced above, and missing therefrom is Note 11, "These arsenic values are effective January 23, 2006. Until then, the [Maximum Contaminant Limit] is 0.05 mg/l and

there is no [Maximum Contaminant Level Goal];" further responding, Respondent denies that Complainant has any cause of action or relief against this Respondent thereunder; further responding, Respondent denies the remainder of paragraph 17 of the Complaint.

18. Complainant has had numerous health problems that have been caused or exacerbated by the arsenic, including but not limited to, eye irritation, skin rashes, gastrointestinal problems, and dermatological problems.

**RESPONSE:** Denied.

19. Complainant requests that the Board order Respondent to immediately and permanently clean up the water supply, whether by installation of a filtration system, or other method, pay civil penalties to the fullest extent of the law, and any and other relief this Board deems just and reasonable.

**RESPONSE:** Respondent denies that Complainant is authorized to seek, or otherwise entitled, to any such relief against this Respondent.

**RESPONSE TO COUNT II**  
**VIOLATION OF GENERAL PUBLIC NOTIFICATION REQUIREMENTS**

20. Complainant realleges paragraphs 1-19 of Count I as paragraphs 1-19 of Count 11.

**RESPONSE:** Respondent reasserts its Responses to the allegations to Paragraphs 1-19 of Complainant's Citizens' Complaint.

21. By Violation Notice No. W-2006-OOI 17, dated April 13, 2006 ("Violation Notice"), the Illinois EPA cited Respondent for exceeding arsenic MCL of 0.010 mg/l, listing the highest annual average of 0.051 mg/l.

**RESPONSE:** Respondent admits that Illinois EPA served a Violation Notice on Respondent as described above, but Respondent denied and continues to deny the truth of the matters asserted therein; further responding, Respondent asserts that Respondent and Illinois EPA have entered into an agreement resolving the alleged claims and defenses raised in the Violation Notice, and Respondent denies that Complainant has any authority to assert any claim or inference relating thereto or thereunder; further responding, Respondent denies the remainder



of paragraph 21 of the Complaint.

22. The Violation Notice required the water system to issue public notification by direct mail to customers every ninety (90) days so long as the contaminant concentration exceeds the MCL.

**RESPONSE:** Respondent admits that Illinois EPA served a Violation Notice on Respondent as described above, but Respondent denied and continues to deny the truth of the matters asserted therein; further responding, Respondent asserts that Respondent and Illinois EPA have entered into an agreement resolving the alleged claims and defenses raised in the Violation Notice, and Respondent denies that Complainant has any authority to assert any claim or inference relating thereto or thereunder; further responding, Respondent denies the remainder of paragraph 22 of the Complaint.

23. Respondent's violation of the arsenic MCL constitutes a violation that requires a "Tier 2 Public Notice" pursuant to Section 611.903 of the Board's Public Water Supply Regulations. 35 Ill. Adm. Code 611.903(a)(1).

**RESPONSE:** Denied.

24. Respondent is required to repeat the notice every three (3) months, as long as the violation or situation persists. 35 Ill. Adm. Code 611.903(b)(2).

**RESPONSE:** Denied.

25. Respondent is required to provide said notices by mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the Respondent. 35 Ill. Adm. Code 611.903(c)(1)(a).

**RESPONSE:** Denied.

26. On information and belief, after an initial notice (presumably pursuant to 35 Ill. Adm. Code 611.903(b)(1)), Respondent has failed to provide any repeat notices despite the fact that the violation and situation continues to persist.

**RESPONSE:** Respondent acknowledges that 35 Ill. Adm. Code 611.903(b)(1) is a regulation promulgated and generally enforceable in the State of Illinois, further responding, Respondent asserts that Respondent and Illinois EPA have entered into an agreement resolving

the claims alleged herein by Complainant and all regulatory requirements concerning notice, and Respondent denies that Complainant has any authority to assert any claim or inference relating thereto or thereunder; further responding, Respondent denies the remainder of paragraph 26 of the Complaint.

**RESPONSE TO COUNT III CONTAMINANTS IN WATER**

27. Complainant realleges paragraphs 1-26 of Count II as paragraphs 1-26 of Count III.

**RESPONSE:** Defendant reasserts its Responses to the allegations in Paragraphs 1-26 of Plaintiff's Citizen's Complaint.

28. Section 611.121(b)(1) of the Board's Public Water Supplies Regulations, 35 Ill. Adm. Code 611.121(b)(1), provides that:

The finished water delivered to any user at any point in the distribution system must contain no impurity at a concentration that may be hazardous to the health of the consumer or that would be excessively corrosive or otherwise deleterious to the water supply. Drinking water delivered to any user at any point in the distribution system must contain no impurity that could reasonably be expected to cause offense to the sense of sight, taste, or smell.

**RESPONSE:** Respondent acknowledges that 35 Ill. Adm. Code Section 611.121(b)(1) is accurately reproduced above, but Respondent denies that 35 Ill. Adm. Code Section 611.121(b)(1) applies to any relevant facts or circumstances at the Edgewood Terrace Mobile Home Park; further responding, Respondent denies that Complainant has authority to seek relief thereunder; further responding, Respondent denies that Complainant has any cause of action or relief against this Respondent thereunder.

29. The drinking water at Edgewood Terrace regularly smells like sewage, is discolored (usually brown, orange, black or grey), and contains thick pieces of black, orange and brown sediment. It appears that in the past, after complaints by residents, the water has been overtreated with chlorine for a short amount of time. However, the water then returns to its polluted state soon after such chlorination,

usually after complaints by residents. Complainant has made numerous complaints to Respondent and Respondent's representatives and was told over a year ago that a new water treatment system was to be installed in 2006 (as well as being told this in 2004), but no such system has ever been installed, Complainant is never provided with proper, timely boil orders or warnings with regard to the water quality. In addition, there have been numerous problems with water shortages and water stoppages, without warning. Please refer to the pictures on Exhibit A attached hereto and made a part hereof.

**RESPONSE:** Denied.

30. The pollution problems described above, on information and belief, began sporadically in 2000. However, beginning in 2003, the aforementioned pollution problems have been continuous and daily. The problems have gotten worse over time. As aforementioned, occasionally the water is overchlorinated after Respondent receives a complaint, but the water soon returns to its polluted state.

**RESPONSE :** Denied.

31. Complainant has had numerous health problems that have been caused or exacerbated by the water quality, including but not limited to, eye irritation, skin rashes, gastrointestinal problems, and dermatological problems. In addition, the water has a profound negative effect on enjoyment of life and property as the water is unfit for drinking due to the taste and smell, makes bathing unpleasant and ineffective, causes foul odors in Complainant's home, kills plants, causes pets to become sick, damages fixtures and appliances such as faucets, water heaters and purifiers, for which repairs and replacement are costly, makes ordinary household chores, such as carpet cleaning, washing dishes and laundry, very difficult due to the fact that the water itself is unclean and stains dishes, utensils, clothes and towels.

**RESPONSE:** Denied.

32. Section 30 of the Act, 415 ILCS 5/30 (2007), states as follows:  
The Agency shall cause investigations to be made upon the request of the Board or upon receipt of information concerning an alleged violation of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, and may cause to be made such other investigation as it shall deem advisable.

**RESPONSE:** Respondent acknowledges that 415 ILCS 5/30 (2007) is accurately reproduced above, but Respondent denies that 415 ILCS 5/30 (2007) applies to any relevant facts or circumstances at the Edgewood Terrace Mobile Home Park; further

responding, as Complainant alleged above, the Illinois EPA has investigated and is currently reviewing compliance at the Edgewood Terrace Mobile Home Park, making any such request of the Board unnecessary, unauthorized the Act, duplicative and a waste of the Board's resources; further responding, Respondent denies that Complainant has authority to seek relief thereunder; further responding, Respondent denies that Complainant has any cause of action or relief against this Respondent thereunder.

33. Complainant requests that the Board request the Agency to investigate the violations indicated throughout this Complaint.

**RESPONSE:** As Complainant alleged above, the Illinois EPA has investigated and is currently reviewing compliance at the Edgewood Terrace Mobile Home Park, making any such request of the Board unnecessary, unauthorized the Act, duplicative and a waste of the Board's resources; further responding, Respondent denies that Complainant has authority to seek relief thereunder; further responding, Respondent denies that Complainant has any cause of action or relief against this Respondent thereunder; further responding, Respondent denies that Complainant is entitled to any such relief hereunder.

32. Complainant requests that the Board order Respondent to immediately and permanently clean up the water supply, whether by installation of a filtration system, or other method, pay civil penalties to the fullest extent of the law, and any and other relief this Board deems just and reasonable.

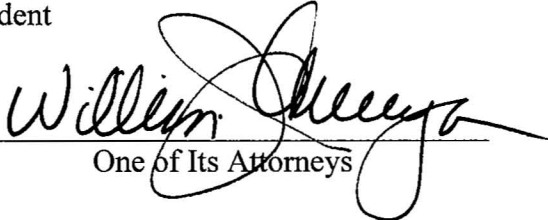
**RESPONSE:** As more formally set forth below, Respondent denies compliance with the Arsenic MCL or the finished water standard pleaded in this Count of the Complaint are achievable pursuant to the applicable BAT standard; further responding, Respondent denies that Complainant's cited control is neither BAT or reasonable; further responding, Respondent states that Respondent and the Illinois EPA are currently seeking a reasonable resolution of this matter, and that Respondent has provided all notices to all relevant parties required by law and by the

Illinois EPA, and that no fines or penalties are reasonable or appropriate under the circumstances; further responding, Respondent denies that Complainant is entitled to such relief hereunder.

**WHEREFORE**, Respondent, MORTON MOBILE HOME PARK, LLC, respectfully requests that the Board dismiss Plaintiff's Complaint, Counts I-III, each with prejudice, and Order Complainant to pay Respondent's costs, reasonable attorneys' fees, and enter judgment in Respondent's favor and award such further relief that the Board deems just and proper.

Respectfully submitted,  
MORTON MOBILE HOME PARK, LLC,  
Respondent

By:

  
One of Its Attorneys

**William J. Anaya**  
**John F. Hiltz**  
**ARNSTEIN & LEHR LLP**  
**120 S. Riverside Plaza, Suite 1200**  
**Chicago, IL 60606**  
**Telephone: 312.876.7100**  
**Facsimile: 312.876.0288**

**Affirmative Defenses**

As and for its Affirmative Defenses, Respondent alleges and states as follows:

1. On January 23, 2006 the United States Environmental Protection Agency arbitrarily and capriciously amended the Arsenic MCL, to the extent that the revised standards are too stringent in relation to the costs of compliance and was implemented without adequate scientific basis.

2. The alleged conditions at issue in this lawsuit are naturally occurring phenomena, and the water source is not adjacent to, or in the vicinity of, waste arsenic from commercial or industrial operations or land filling. Respondent has not created or allowed any hazardous situation to occur.

3. Immediately after the United States Environmental Protection Agency arbitrarily and capriciously amended the Arsenic MCL, the Illinois Environmental Protection Agency reported that thirty-six (36) so-called public water supplies were allegedly out of compliance with the "maximum contaminant level and treatment techniques" articulated in the rule.

4. There is no economically achievable control available to implement the Amended MCL at the recognized standard of Best Available Technology ("BAT").

5. Following notification of alleged exceedances under the new Arsenic MCL rule, Illinois EPA and Respondent agreed that Respondent would investigate and seek to identify reasonable and enforceable BAT controls because none currently exist. Complainant's action is pre-empted by the enforcement action initiated by Illinois EPA, and which is currently being resolved in an approved and amended Compliance Agreement with Illinois EPA.

6. Pursuant to the Compliance Agreement with the Illinois EPA, Respondent is currently exploring alternative sources of water from the local municipality.

7. Currently, strict compliance with the Arsenic MCL is impossible, and Respondent is compliance with the law by working with Illinois EPA and seeking approved, acceptable and economically achievable control available to implement the Amended MCL at the recognized standard of Best Available Technology ("BAT") means of compliance.

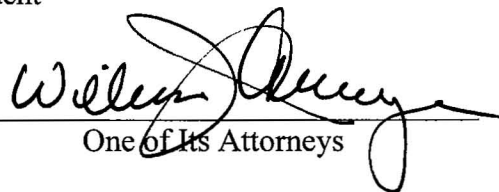
**WHEREFORE**, Respondent prays that the Illinois Pollution Control Board dismiss Complainant's Citizen's Complaint because:

- A. The United States EPA improperly, arbitrarily and capriciously promulgated the Amended Arsenic MCL, for which there is has no recognized BAT control,
- B. It is currently impossible for anyone, including Respondent, to economically achieve compliance with the Amended Arsenic MCL ,
- C. Claimant's action is pre-empted by the current enforcement action initiated and being resolved by the Illinois Environmental Protection Agency, and is otherwise duplicative, unauthorized by statute and unreasonable under the circumstances.

and order Complainant to pay Respondent's costs and reasonable attorneys' and consultants' fees in responding to Complainant's Citizen's Complaint, and for such other relief proper under the circumstances.

Respectfully submitted,  
MORTON MOBILE HOME PARK, LLC,  
Respondent

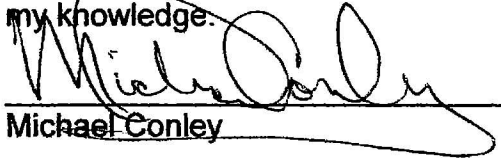
By:

  
One of Its Attorneys

**William J. Anaya**  
**John F. Hiltz**  
**ARNSTEIN & LEHR LLP**  
**120 S. Riverside Plaza, Suite 1200**  
**Chicago, IL 60606**  
**Telephone: 312.876.7100**  
**Facsimile: 312.876.0288**

**CERTIFICATION**

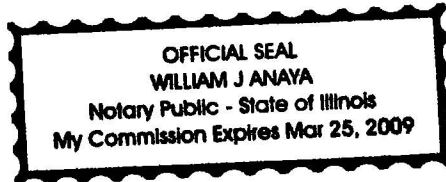
I, Michael Conley, on oath or affirmation, state that I have read the foregoing Response to Citizen's Complaint, and that said responses are accurate to the best of my knowledge.

  
Michael Conley

Subscribed and Sworn to, Before Me,  
A Notary Public, in and for the State  
Of Illinois, County of Cook, this 19th  
day of November, 2007.

  
Notary Public

My commission expires:





**Certificate of Service**

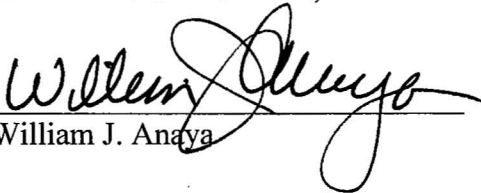
I, the undersigned attorney, certify that I have served true and accurate copies of the attached Response to Citizen's Complaint and Affirmative Defenses, by enclosing the same in an envelope, properly addressed to the following:

HASSELBERG, WILLIAMS, GREBE, SNODGRASS & BIRDSALL  
124 SW Adams Street, Suite 360  
Peoria, Illinois 61602-1320  
Attention: Mr. David L. Wentworth II

HASSELBERG, WILLIAMS, GREBE, SNODGRASS & BIRDSALL  
124 SW Adams Street, Suite 360  
Peoria, Illinois 61602-1320  
Attention: Ms. Emily R. Vivian

OFFICE OF THE ATTORNEY GENERAL  
State of Illinois  
500 South Second Street  
Springfield, Illinois 62706  
Attention: Mr. Stephen J. Janasie

with proper postage prepaid, and depositing the same in the United States Mails, located in Chicago, Illinois, this 19<sup>th</sup> day of November, 2007.

  
William J. Anaya

**William J. Anaya**  
**John F. Hiltz**  
**ARNSTEIN & LEHR LLP**  
**120 S. Riverside Plaza, Suite 1200**  
**Chicago, IL 60606**  
**Telephone: 312.876.7100**  
**Facsimile: 312.876.0288**