

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF )  
 ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 AET ENVIRONMENTAL, INC., a )  
 Colorado corporation, E.O.R. ENERGY, )  
 LLC, a Colorado limited liability )  
 company, )  
 )  
 Respondent. )

**PCB No. 07-95  
(Enforcement)**

**NOTICE OF ELECTRONIC FILING**

To: See Attached Service List

PLEASE TAKE NOTICE that on August 17, 2010, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, a MOTION TO DEEM FACTS ADMITTED, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: *Michael D. Mankowski*  
Michael D. Mankowski  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031

**CERTIFICATE OF SERVICE**

I hereby certify that I did on August 17, 2010, cause to be served by certified Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and MOTION TO DEEM FACTS ADMITTED upon the persons listed on the Service List.

  
Michael D. Mankowski  
Michael D. Mankowski  
Assistant Attorney General

This filing is submitted on recycled paper.

**SERVICE LIST**

James Hamilton, R.A.  
E.O.R. Energy, LLC  
14 Lakeside Lane  
Denver, CO 80212

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Springfield, IL 62794

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
<b><u>ex rel.</u> LISA MADIGAN, Attorney General</b>	)	
<b>of the State of Illinois,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB No. 07-95</b>
	)	<b>(Enforcement)</b>
<b>AET ENVIRONMENTAL, INC., a Colorado</b>	)	
<b>corporation, E.O.R. ENERGY, LLC, a</b>	)	
<b>Colorado limited liability company,</b>	)	
	)	
<b>Respondents.</b>	)	

**MOTION TO DEEM FACTS ADMITTED**

Now comes the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 101.618 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.618, hereby moves for the entry of an order deeming all facts in Complainant's Request to Admit Facts as admitted against Respondent, E.O.R. Energy, LLC. Pursuant to Section 101.502(a) of the Board's Procedural Rules, 35 Ill. Adm. Code 101.502(a), this motion is directed to the hearing officer.

**I. Applicable Legal Standard**

1. Section 101.400 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.400, provides as follows:

a) **Appearances.** A person who is a party in a Board adjudicatory proceeding may appear as follows:

\*\*\*

2) When appearing before the Board, any person other than individuals must appear through an attorney-at-law licensed and registered to practice law. (Section 1 of the Corporation Practice of Law Prohibition Act [705 ILCS 220/1] and Section 1 of the Attorney Act [705 ILCS 205/1])

2. Section 101.618(f) of the Board's Procedural Rules, 35 Ill. Adm. Code 101.618(f)

(emphasis added), provides as follows:

- f) Admission in the Absence of Denial. Each of the matters of fact and the genuineness of each document of which admission is requested is admitted unless, within 28 days after service thereof, the party to whom the request is directed serves upon the party requesting the admission either a *sworn statement* denying specifically the matters of which admission is requested or setting forth in detail the reasons why the party cannot truthfully admit or deny those matters, or written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request must be answered within the period designated in the request. A denial must fairly address the substance of the requested admission.

3. Section 101.300 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.300,

provides, in pertinent part, as follows:

- a) Computation of Time. Computation of any period of time prescribed in the Act, other applicable law, or these rules will begin with the first calendar day following the day on which the act, event or development occurs and will run until the close of business on the last day, or the next business day if the last day is a Saturday, Sunday or national or State legal holiday.

\* \* \*

- c) Time of Service. ...In the case of service by U.S. Mail, service is presumed complete four days after mailing. The presumption can be rebutted by proper proof.

4. Section 1-109 of the Illinois Code of Civil Procedure, 735 ILCS 5/1-109 (2008)

(emphasis added), provides, in pertinent part, as follows:

Verification by certification. Unless otherwise expressly provided by rule of the Supreme Court, whenever in this Code any complaint, petition, answer, *reply*, bill of particulars, answer to interrogatories, affidavit, return or proof of service, or other document or pleading filed in any court of this State is required or permitted to be verified, or *made, sworn to* or verified under oath, *such requirement or permission is hereby defined to include a certification of such pleading*, affidavit or other document *under penalty of perjury as provided in this Section*.

Whenever any such pleading, affidavit or other document is so certified, the several matters stated shall be stated positively or upon information and belief only, according to the fact. The person or persons having knowledge of the matters

stated in a pleading, affidavit or other document certified in accordance with this Section shall subscribe to a certification in substantially the following form: *Under penalties as provided by law pursuant to Section 1-109 of the 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 he verily believes the same to be true.*

\* \* \*

**II. Grounds for Deeming Admitted the Facts in Complainant's Request for Admission of Facts**

5. On March 20, 2007, the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, filed its Complaint against Respondent, E.O.R. Energy, LLC ("E.O.R."). Complainant alleged violations of Section 12(g), 21(e), (f)(1) & (f)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/12(g), 21(e), (f)(1) & (f)(2) (2004), and Sections 703.121(a) & (b), 703.151(a)(2), 704.121, 704.203, 725.111, 725.113, 725.114, 725.115, 725.116, 725.117, 725.131, 725.132, 725.137, 725.151(a), 725.155, 725.171(c), 725.173, 725.175, 725.212(a), 725.242(a), 725.243(a), 725.274, and 725.278 of the Board's Regulations, 35 Ill. Adm. Code 703.121(a) & (b), 703.151(a)(2), 704.121, 704.203, 725.111, 725.113, 725.114, 725.115, 725.116, 725.117, 725.131, 725.132, 725.137, 725.151(a), 725.155, 725.171(c), 725.173, 725.175, 725.212(a), 725.242(a), 725.243(a), 725.274, and 725.278.

6. On March 21, 2008, the People served a Request to Admit Facts on Respondent, E.O.R., via first-class mail.

7. Pursuant to Section 101.300 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.300, E.O.R.'s Response to Complainant's Request to Admit Facts was due on or before June 22, 2008.

8. No response to the People's Request to Admit Facts was served upon the People on or before June 22, 2008.

9. On January 20, 2009, a telephonic status conference was held between the hearing officer, the People and the Respondent.

10. On January 20, 2009, the Respondent, a corporation, was not represented by an attorney-at-law licensed and registered to practice law.

11. During the telephonic status conference, the Respondent claimed that it did not receive the People's Request to Admit Facts.

12. The Respondent did not provide proper proof to rebut that presumption that the People's Request to Admit Facts was deemed served on May 25, 2008, 4 days after the People placed it in the mail.

13. The hearing officer requested that the People re-submit their Request to Admit Facts.

14. The People served a second copy of the Request to Admit Facts on Respondent, via first-class mail, on January 22, 2009.

15. On February 18, 2009, Diane F. O'Neill, an attorney-at-law licensed and registered to practice law, filed an appearance for E.O.R.

16. On April February 20, 2009, Respondent served on the People an unsigned Answer to Complainant's Request to Admit Facts. A copy of E.O.R.'s Answer to Complainant's Request to Admit Facts is attached to this Motion as Exhibit A.

17. E.O.R.'s Answer to Complainant's Request to Admit Facts contained a blank signature line for Diane F. O'Neill which was unsigned.

18. There was no signature line present for a signature by a representative of E.O.R., the Respondent and the party to which the People's Request to Admit Facts was directed.

19. E.O.R.'s Answer to Complainant's Request to Admit Facts was not signed by the party to whom it was directed.

20. E.O.R.'s Answer to Complainant's Request to Admit Facts did not include a certification statement, as required under Section 1-109 of the Illinois Code of Civil Procedure, 735 ILCS 5/1-109 (2008).

21. E.O.R.'s Answer to Complainant's Request to Admit Facts was therefore unsigned and unsworn to by the party to whom it was directed.

22. E.O.R.'s unsigned and unsworn Answer to Complainant's Request to Admit Facts does not constitute a valid denial of the People's Request to Admit Facts. *See People v. Strata Geological Services, Inc.*, PCB 06-119, slip opinion at 10 (July 26, 2007).

23. By failing to serve upon the People a sworn statement of E.O.R., the party to whom the People's Request to Admit Facts was directed, denying the matters of fact contained in the People's Request to Admit Facts by April 20, 2008, as required by Section 101.618 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.618, Respondent has admitted each of the matters of fact contained in People's Request to Admit Facts. *See Strata Geological Services, Inc.*, PCB 06-119, slip opinion at 10.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the hearing officer enter an order:

A. Finding that pursuant to Section 101.618 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.618, Respondent has admitted all facts contained in the People's Request to Admit Facts; and

- B. Ordering such other and further relief as is appropriate under the circumstances.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN,  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:   
MICHAEL D. MANKOWSKI  
Environmental Bureau  
Assistant Attorney General

Attorney Reg. No. 6287767  
500 South Second Street  
Springfield, Illinois 62706  
217/557-0586  
Dated: August 17, 2010

EXHIBIT

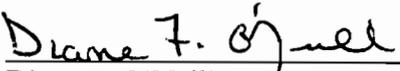
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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.	)	

**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 COMPLAINANT'S REQUEST TO ADMIT FACTS on behalf of E.O.R. ENERGY, LLC, a Colorado limited liability company, a copy of which are hereby served upon you.

  
Diane F. O'Neill

February 20, 2009

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

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 REQUEST TO ADMIT FACTS**

The Respondent, E.O.R. Energy, LLC., a Colorado Limited Liability Corporation, arguing on its own behalf, herein responds to the Complainant's Request to Admit Facts as provided in Section 103.618 of the Board's rules.

**COMPLAINANT'S REQUEST TO ADMIT FACTS BY AET ENVIRONMENTAL, INC.**

1. In response to item 1, the Respondent denies the allegations.
2. In response to item 2, the Respondent admits the allegations.
3. In response to item 3, the Respondent admits the allegation.
4. In response to item 4, the Respondent denies the allegations.
5. In response to item 5, the Respondent denies the allegations.
6. In response to item 6, the Respondent denies the allegations.
7. In response to item 7, the Respondent denies the allegations.
8. In response to item 8, the Respondent denies the allegations.
9. In response to item 9, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.
10. In response to item 10, the Respondent is without knowledge or information sufficient to

- form a belief as to the truth of the allegation.
11. In response to item 11, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.
  12. In response to item 12, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations.
  13. In response to item 13, 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, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.
  15. In response to item 15, 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, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.
  17. In response to item 17, the Respondent admit the allegations.
  18. In response to item 18, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.
  19. In response to item 19, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.
  20. In response to item 20, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.
  21. In response to item 21, is without knowledge or information sufficient to form a belief as to the truth of the allegation.
  22. In response to item 22, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.
  23. In response to item 23, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.
  24. In response to item 24 the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.

25. In response to item 25 the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.
26. In response to item 26, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.
27. In response to item 27, the Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation.
28. In response to item 28, the Respondent believes the statements to be not true but has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statements
29. In response to item 29, the Respondent does not understand the meaning of "left open" nor has direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
30. In response to item 30, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement
31. In response to item 31 and 32, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
32. In response to item 31 and 32, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
33. In response to item 33, the Respondent does not understand the meaning of "directed." and has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
34. In response to item 34 through 41, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
35. In response to item 35, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
36. In response to item 36, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
37. In response to item 37, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
38. In response to item 38, the Respondent has no direct knowledge or information sufficient

as to form an opinion as to the accuracy of the statement.

39. In response to item 39, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
40. In response to item 40, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
41. In response to item 41, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
42. In response to item 42, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
43. In response to items 43 through 46, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
44. In response to items 44, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
45. In response to items 45, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
46. In response to items 46, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
47. In response to item 47, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement, as to what "filled" means.
48. In response to items 48 thru 54, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
49. In response to items 49, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
50. In response to items 50, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
51. In response to items 51, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
52. In response to items 52, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.

53. In response to items 53, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
54. In response to items 54, the Respondent has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statement.
55. In response to item 55, the Respondent does not have sufficient knowledge or information as to the nature of the description to attest to the truth of the statement.
56. In response to items 56, the Respondent has no direct knowledge or information as to the nature of the description to attest to the truth of the statement.
57. In response to items 57, the Respondent has no direct knowledge or information as to the nature of the description to attest to the truth of the statement.
58. In response to items 56, the Respondent has no direct knowledge or information as to the nature of the description to attest to the truth of the statement.
59. In response to item 59, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement
60. In response to item 60, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
61. In response to item 61, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement
62. In response to item 62, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
63. In response to item 63, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
64. In response to item 64, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
65. In response to item 65, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of

the statement.

66. In response to item 66, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
67. In response to item 67, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement
68. In response to item 68, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement
69. In response to item 69, the Respondent does not understand what is meant by “notified..” and has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statements.
70. In response to item 70, the Respondent does not understand what is meant by “ask permission....” and has no direct knowledge or information sufficient as to form an opinion as to the accuracy of the statements.
71. In response to item 71, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
72. In response to item 72, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
73. In response to item 73, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
74. In response to item 74, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
75. In response to item 75, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement

76. In response to items 76, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
77. There is no request for 77.
78. In response to item 78, the Respondent denies the allegations.
79. In response to item 79, the Respondent denies the allegations.
80. In response to item 80, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
81. In response to item 81, the Respondent denies the allegations.
82. In response to item 82, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
83. In response to item 83, the Respondent denies the allegations.
84. In response to item 84, the Respondent denies the allegations.
85. In response to item 85, the Respondent denies the allegations.
86. In response to item 86, the Respondent denies the allegations.
87. In response to item 87, the Respondent denies the allegations.
88. In response to item 88, the Respondent has insufficient knowledge to attest to the accuracy of the statement.
89. In response to item 89, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
90. In response to item 90, the Respondent has insufficient knowledge to attest to the accuracy of the statement.
91. In response to item 91, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.

92. In response to item 92, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
93. In response to item 93, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement due to the overly broad and ambiguous nature of the statement.
94. In response to item 94, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement.
95. In response to item 95, the Respondent denies the allegation.
96. In response to item 96, the Respondent denies the allegation.
97. In response to item 97, the Respondent does not have sufficient knowledge or information to attest to the validity of the statement.
98. In response to item 98, the Respondent does not have sufficient knowledge or information to attest to the truth of the statement.
99. In response to item 99, the Respondent does not have sufficient knowledge or information to attest to the truth of the statement.
100. In response to item 100, the Respondent does not have sufficient knowledge or information to attest to the truth of the statement
101. In response to item 101, the Respondent does not have sufficient knowledge or information as to the nature of the description to attest to the truth of the statement
102. In response to item 102, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
103. In response to item 103, the Respondent deems the allegation to be ambiguous as to the meaning of the words "violently" and "acid" and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement..
104. In response to item 104, the Respondent deems the allegation to be ambiguous, as to the words "could" "violently" "acid" "stored" "property" and the entire statement, and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement

105. In response to item 105, the Respondent denies the allegation.
106. In response to item 106, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement
107. In response to item 107, the Respondent denies the allegation.
108. In response to item 108, the Respondent admits the allegation to the extent that it had a MSDS but has no knowledge as to whether or not the information was given to any party.
109. In response to item 109, the Respondent admits the allegation to the extent that it had a MSDS but has no knowledge as to whether or not the information was given to any party.
110. In response to item 110, the Respondent admits the allegation.
111. In response to item 111, the Respondent admits the allegation.
112. In response to item 111, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
113. In response to item 113, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
114. In response to item 114, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
115. In response to item 115, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
116. In response to item 116, the Respondent deny the allegation.
117. In response to item 117, the Respondent denies the allegation.
118. In response to item 118, the Respondent denies the allegation.
119. In response to item 119, the Respondent denies the allegation.
120. In response to item 120, the Respondent is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.

121. In response to item 121, the Respondent is without sufficient knowledge or information in order to develop a belief as to the truth of the statement
122. In response to item 122, the Respondent is without sufficient knowledge or information in order to develop a belief as to the truth of the statement
123. In Response to item 123, the Respondent is without sufficient knowledge or information in order to form a belief as to the truth of the statements.
124. In response to item 124, the Respondent is without sufficient knowledge or information in order to develop a belief as to the truth of the statement
125. In response to item 125, the Respondent is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
126. In response to item 126, the Respondent does not understand what is meant by “oversaw” is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
127. In response to item 127, the respondent does not understand what is meant by “oversaw” and deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
128. In response to item 128, the Respondent admits the allegation..
129. In response to item 129, the Respondent admit the allegation.
130. In response to item 130, the Respondent admit the allegation.
131. In response to item 131, the Respondent admit the allegation.
132. In response to item 111, the Respondent denies the allegation..
133. In response to item 133, the Respondent denies the allegation
134. In response to item 134, the Respondent admit the allegation.
135. In response to item 135, the Respondent admit the allegation.
136. In response to item 136, the Respondent denies the allegation.
137. In response to item 137, the Respondent denies the allegation.
138. In response to item 138, the Respondent deems the allegation to be ambiguous and is

without sufficient knowledge or information in order to develop a belief as to the truth of the statement.

139. In response to item 139, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
140. In response to item 140, the Respondent denies the allegation as to the "control..." and deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
141. In response to item 141, the Respondent denies the allegation as to the "control..." and deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
142. In response to item 142, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
143. In response to item 143, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
144. In response to item 144, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
145. In response to item 145, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
146. In response to item 146, the Respondent denies the allegation
147. In response to item 147, the Respondent denies the allegation.
148. In response to item 148, the Respondent denies the allegation.
149. In response to item 149, the Respondent denies the allegation.
150. In response to item 150, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
151. In response to item 151, the Respondent deems the allegation to be ambiguous and is

without sufficient knowledge or information in order to develop a belief as to the truth of the statement.

152. In response to item 152, the Respondent denies the allegation.
153. In response to item 153, the Respondent denies the allegation.
154. In response to item 154, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement,.
155. In response to item 155, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement.
156. In response to item 156, the Respondent denies the allegation.
157. In response to item 157, the Respondent denies the allegation.
158. In response to item 158, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement, but believes the statement to be substantially true.
159. In response to item 159, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement, but believes the statement to be substantially true.
160. In response to item 160, the Respondent denies the allegation.
161. In response to item 161, the Respondent denies the allegation.
162. In response to item 162, the Respondent denies the allegation.
163. In response to item 163, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement, but believes the statement to be substantially false.
164. In response to item 164, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement, but believes the statement to be substantially false
165. In response to item 165, the Respondent deems the allegation to be ambiguous and is without sufficient knowledge or information in order to develop a belief as to the truth of the statement, but believes the statement to be substantially false.

Respectfully submitted,

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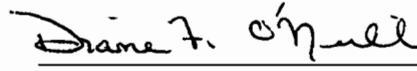
Diane F. O'Neill

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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served the attached RESPONDENT'S ANSWER TO COMPLAINANT'S REQUEST TO ADMIT FACTS on behalf of E.O.R. ENERGY, LLC, a Colorado limited liability company, by first class mail on February 20, 2009 upon the following party:

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

  
Diane F. O'Neill

NOTARY SEAL

SUBSCRIBED AND SWORN TO ME this 20<sup>th</sup>

day of FEBRUARY, 20 09

  
Notary Public

