

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAY 22 2003

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
MII, INC., a Delaware corporation,)
)
Respondent.)

PCB No. 02-63

NOTICE OF FILING

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph, Ste. 11-500
Chicago, IL 60601

Carol Sudman
Board Hearing Officer
Pollution Control Board
600 S. 2nd Street, Ste. 402
Springfield, IL 62704

Delbert D. Haschemeyer
Assistant Attorney General
Office of the Attorney General
Environmental Division
500 South Second Street
Springfield, IL 62704

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original (1) and nine (9) copies of the ANSWER of the Respondent, MII, Inc., a copy of which is herewith served upon the Hearing Officer and the attorney for the Petitioner, People of the State of Illinois.

Respectfully submitted,
MII, Inc., Respondent,

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: Joel A. Benoit
Joel A. Benoit

MOHAN, ALEWELT, PRILLAMAN & ADAMI
1 North Old Capitol Plaza, Suite 325
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Telephone: 217/528-2517
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 MII, INC., a Delaware corporation,)
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 Respondent.)

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ANSWER

Now comes Respondent, MII, Inc., a Delaware corporation, by and through its attorneys, Mohan, Alewelt, Prillaman & Adami, and for its answer to the complaint herein states as follows:

COUNT I

1. Admits.
2. Admits.
3. Admits.
4. Admits.
5. Admits.
6. Admits.
7. Admits.
8. Denies that Section 9(a) of the Act applies to anything alleged in the complaint, but admits the remaining allegations of paragraph 8.

9. Denies that Section 3.02 of the Act applies to anything alleged in the complaint, but admits the remaining allegations of paragraph 9.

10. Denies that Section 3.06 of the Act applies to anything alleged in the complaint, but admits the remaining allegations of paragraph 10.

11. Denies that Section 201.141 of the Board's Air Pollution Regulations applies to anything alleged in the complaint, but admits the remaining allegations of paragraph 11.

12. Denies.

WHEREFORE, Respondent respectfully requests that the Board enter an order dismissing Count I of the complaint, and granting to Respondent such other and further relief as the Board may deem appropriate.

COUNT II

1-8. Respondent realleges and incorporates herein by reference its answers to paragraphs 1 through 8 of Count I as and for its answers to paragraphs 1 through 8 of this Count II.

9. Denies that Section 9.1(d) of the Act applies to anything alleged in the complaint, but admits the remaining allegations of paragraph 9.

10. Denies that 35 Ill.Admin.Code, Section 215.204 applies to anything alleged in the complaint, but admits the remaining allegations of paragraph 10.

11. Denies that 35 Ill.Admin.Code, Section 215.207 applies to anything alleged in the complaint, but admits the remaining allegations of paragraph 11.

12. Denies that 35 Ill.Admin.Code, Section 215.208 applies to anything alleged in the

complaint, but admits the remaining allegations of paragraph 12.

13. Denies that Section 9(b) of the Act applies to anything alleged in the complaint, but admits the remaining allegations of paragraph 13.

14. Admits.

15. Denies.

16. Admits that the Illinois EPA conducted an inspection on March 11, 1997, but denies the remaining allegations of paragraph 16.

17. Admits that the Illinois EPA conducted an inspection on July 29, 1998, but denies the remaining allegations of paragraph 17.

18. Admits.

19. Admits that the Illinois EPA conducted an inspection on September 9, 1999, but denies the remaining allegations of paragraph 19.

20. Admits.

21. Denies.

22. Denies.

WHEREFORE, Respondent respectfully requests that the Board enter an order dismissing Count II of the complaint, and granting to Respondent such other and further relief as the Board may deem appropriate.

COUNT III

1-8. Respondent realleges and incorporates herein by reference its answers to paragraphs 1 through 8 of Count I as and for its answers to paragraphs 1 through 8 of this Count

III.

9. Respondent repeats and realleges its answer to paragraph 13 of Count II as and for our answer to paragraph 9 of this Count III.

10. Denies that 35 Ill.Admin.Code, Section 201.142 applies to anything alleged in the complaint, but admits the remaining allegations of paragraph 10.

11. Denies that 35 Ill.Admin.Code, Section 201.143 applies to anything alleged in the complaint, but admits the remaining allegations of paragraph 11.

12. Denies.

WHEREFORE, Respondent respectfully requests that the Board enter an order dismissing Count III of the complaint, and granting to Respondent such other and further relief as the Board may deem appropriate.

COUNT IV

1-8. Respondent realleges and incorporates herein by reference its answers to paragraphs 1 through 8 of Count I as and for its answers to paragraphs 1 through 8 of this Count IV.

9. Denies that Section 39.5(6)(b) of the Act applies to anything alleged in the complaint, but admits the remaining allegations of paragraph 9.

10. Denies.

11. Denies.

WHEREFORE, Respondent respectfully requests that the Board enter an order dismissing Count IV of the complaint, and granting to Respondent such other and further relief as the Board

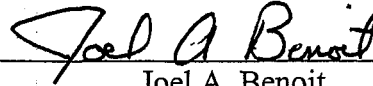
may deem appropriate.

Respectfully submitted,

MII, Inc., Respondent,

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY:



Joel A. Benoit

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This filing is submitted on recycled paper.

Proof of Service

The undersigned certifies that a copy of the foregoing Answer was served upon the following attorney by enclosing the same in an envelope addressed to said attorney with postage fully prepaid, and by depositing said envelope in an U.S. Post Office mail box in Springfield, Illinois on the 20th day of May, 2003:

Delbert D. Haschemeyer
Assistant Attorney General
500 South Second Street
Springfield, IL 62706



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