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OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS
POLLUTION CONTROL BOARD

Lisa Madigan
ATTORNEY GENERAL

January 6, 2004

The Honorable Dorothy Gunn
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, Illinois 60601

Re: ***People v. Emmett Utilities and Russell D. Thorell***
PCB No. 04-81

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING and COMPLAINANT'S SUBMISSION TO HEARING OFFICER OF CORRESPONDENCE FROM RESPONDENT EMMETT UTILITIES, INC., in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents to our office in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas Davis", is written over a horizontal line.

Thomas Davis, Chief
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

TD/pp
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**

JAN - 9 2004

STATE OF ILLINOIS
POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF)
ILLINOIS,)

Complainant,)

vs.)

PCB NO. 04-81
(Enforcement)

EMMETT UTILITIES, INC., an Illinois)
corporation, and RUSSELL D.)

THORELL, individually and as)
president of EMMETT UTILITIES, INC.,)

Respondent.)

NOTICE OF FILING

To: EMMETT UTILITIES, INC.
RUSSELL D. THORELL
President
RR2, Box 58N
Oquawka, IL 61469

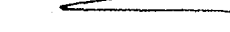
PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, COMPLAINANT'S SUBMISSION TO HEARING OFFICER OF CORRESPONDENCE FROM RESPONDENT EMMETT UTILITIES, INC., a copy of which is attached hereto and herewith served upon you.

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: 
THOMAS DAVIS, Chief
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: January 6, 2004

CERTIFICATE OF SERVICE

I hereby certify that I did on January 6, 2004, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and COMPLAINANT'S SUBMISSION TO HEARING OFFICER OF CORRESPONDENCE FROM RESPONDENT EMMETT UTILITIES, INC.

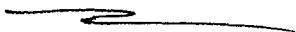
To: EMMETT UTILITIES, INC.
RUSSELL D. THORELL
President
RR2, Box 58N
Oquawka, IL 61469

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

A copy was also sent to:

Carol Sudman
Hearing Officer
Illinois Pollution Control Board
1021 N. Grand Avenue East
Springfield, IL 62794



Thomas Davis, Chief
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 EMMETT UTILITIES, INC.,)
 an Illinois corporation, and)
 RUSSELL D. THORELL, individually and)
 as president of EMMETT UTILITIES, INC.)
)
 Respondents.)

PCB NO. 04- 81
(Enforcement)

COMPLAINANT'S SUBMISSION TO HEARING OFFICER
OF CORRESPONDENCE FROM RESPONDENT EMMETT UTILITIES, INC.

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, hereby respectfully submits to the Hearing Officer a copy of correspondence dated December 30, 2003, since this document was apparently not filed with the Clerk. Complainant states as follows:

1. This document was sent to the Attorney General's Office by Russell Thorell under the letterhead of and ostensibly on behalf of EMMETT UTILITIES, INC., in Mr. Thorell's stated capacity as President of EMMETT UTILITIES, INC. This document cannot serve as an answer on behalf of EMMETT UTILITIES, INC., as required by Section 103.204(d) of the Board's Procedural Rules because it does not purport to specifically deny the material allegations of the Complaint and because Mr. Thorell is not authorized by Section 101.400(a) to appear on behalf of EMMETT UTILITIES, INC.

2. This document cannot serve as an answer on behalf of RUSSELL THORELL as required by Section 103.204(d) of the Board's Procedural Rules because it does not purport to specifically deny the material allegations of the Complaint. While Mr. Thorell may appear on his

own behalf as an individual, he has failed to address and satisfy the procedural and substantive requirements.

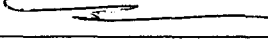
3. This document is submitted to the Hearing Officer in order that a motion to strike may be pursued if the document is accepted for filing.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
Dated: January 2, 2004

EMMETT UTILITIES, INC.

**RR2 Box 58N
Oquawka, Il. 61469**

DECEMBER 30, 2003

**Thomas Davis, Chief
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706**

**RECEIVED
ATTORNEY GENERAL**

JAN - 2 2004

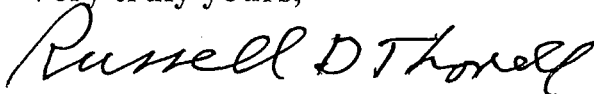
ENVIRONMENTAL

Dear Mr. Thomas:

I received your letter dated November 6, 2003 and the accompanying complaint.

I have read the allegations in the complaint. They are absurd and simply not true; therefore, I deny all of them. The Company isn't polluting anything and the water is safe.

Very truly yours,



**Russell D Thorell
President**

**Copies sent to:
Bob Bland
Dave Kentner
Jenna Link
John Myers
John Sullivan**