

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by Lisa Madigan, Attorney General of the)
State of Illinois)
Complainant,)
v.)
PHOENIX CORPORATION OF THE)
QUAD CITIES, an Illinois Corporation,)
Respondent.)

PCB 12-048
(Enforcement-Water)

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STATE OF ILLINOIS
Pollution Control Board

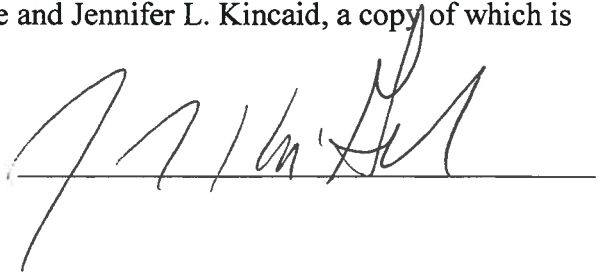
NOTICE OF FILING

To: Lisa Madigan
Attorney General of the State of Illinois
Christopher J. Grant
Assistant Attorney General
Environmental Bureau
Attorney General of the State of Illinois
69 W. Washington Street, #1800
Chicago, IL 60602
(312) 814-5388

ORIGINAL

PLEASE TAKE NOTE that I have today filed with the Office of the Clerk of the Pollution Control Board the Appearance of John L. McGehee and Jennifer L. Kincaid, a copy of which is herewith served upon you.

Date: 11/9/2011



John L. McGehee
Jennifer L. Kincaid
Attorneys for Respondent
McGehee, Olson, Pepping & Balk, Ltd.
105 7th Street
Silvis, IL 61282
Telephone: (309) 755-5096
Facsimile: (309) 755-0499

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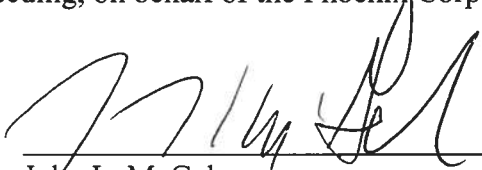
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APPEARANCE

We hereby file our appearance in this proceeding, on behalf of the Phoenix Corporation of the Quad Cities.



John L. McGehee



Jennifer L. Kincaid

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Jennifer L. Kincaid
Attorneys for Respondent
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ANSWER TO COMPLAINT

NOW COMES Respondent, Phoenix Corporation of the Quad Cities, an Illinois corporation, by and through their attorney John L. McGehee of McGehee, Olson, Pepping & Balk, Ltd. and for their Answer to the Complaint of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois states as follows:

COUNT I

Water Pollution

1. Respondent has insufficient knowledge to form a belief to admit or deny the allegations contained in Paragraph 1 of Complainant's Complaint.
2. Respondent has insufficient knowledge to form a belief to admit or deny the allegations contained in Paragraph 2 of Complainant's Complaint.
3. Admits the allegations contained in Paragraph 3.
4. Admits the allegations contained in Paragraph 4.
5. Denies the allegations contained in Paragraph 5.
6. Denies the allegations contained in Paragraph 6.
7. Admits the allegations contained in Paragraph 7.

8. Denies the allegations contained in Paragraph 8.
9. Denies the allegations contained in Paragraph 9.
10. Admits the allegations contained in Paragraph 10.
11. Admits the allegations contained in Paragraph 11.
12. Admits the allegations contained in Paragraph 12.
13. Admits the allegations contained in Paragraph 13.
14. Denies the allegations contained in Paragraph 14.
15. Admits the allegations contained in Paragraph 15.
16. Admits the allegations contained in Paragraph 16.
17. Admits the allegations contained in Paragraph 17.
18. Denies the allegations contained in Paragraph 18.
19. Denies the allegations contained in Paragraph 19.

WHEREFORE, Respondent, Phoenix Corporation of the Quad Cities respectfully requests this Board dismiss Count I of the Complainant's Complaint with all costs assessed to the Complainant and for all other relief this Board deems appropriate under the circumstances.

COUNT II

Water Pollution Hazard

Respondent restates the answers previously provided for paragraphs 1-9 and 11-18 of Count I of Complainant's Complaint in response to Paragraphs 1-17 of Count II of Complainant's Complaint.

18. Admits the allegations contained in Paragraph 18.
19. Denies the allegations contained in Paragraph 19.
20. Denies the allegations contained in Paragraph 20.

WHEREFORE, Respondent, Phoenix Corporation of the Quad Cities respectfully requests this Board dismiss Count II of the Complainant's Complaint with all costs assessed to the Complainant and for all other relief this Board deems appropriate under the circumstances.

COUNT III

Offensive Conditions

Respondent restates the answers previously provided for paragraphs 1-16 of Count I of Complainant's Complaint in response to Paragraphs 1-16 of Count III of Complainant's Complaint.

17. Admits the allegations contained in Paragraph 17.
18. Admits the allegations contained in Paragraph 18,
19. Denies the allegations contained in Paragraph 19.

WHEREFORE, Respondent, Phoenix Corporation of the Quad Cities respectfully requests this Board dismiss Count III of the Complainant's Complaint with all costs assessed to the Complainant and for all other relief this Board deems appropriate under the circumstances.

COUNT IV

NPDES Permit Violation

Respondent restates the answers previously provided in Paragraphs 1-9, 11-16 of Count I of Complainant's Complaint in response to Paragraphs 1-15 of Count IV of Complainant's Complaint.

16. Admits the allegations contained in Paragraph 16.
17. Admits the allegations contained in Paragraph 17,
18. Admits the allegations contained in Paragraph 18,
19. Admits the allegations contained in Paragraph 19,

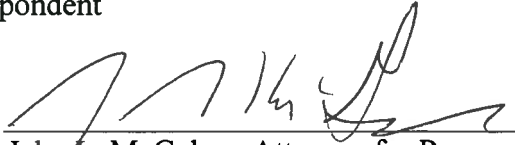
20. Denies the allegations contained in Paragraph 20.

21. Denies the allegations contained in Paragraph 21.

WHEREFORE, Respondent, Phoenix Corporation of the Quad Cities, respectfully requests this Board dismiss Count IV of Complainant's Complaint with all costs assessed to Complainant and for all other relief this Board deems appropriate under the circumstances.

DATED: 11/9/2011, 2011.

Phoenix Corporation of the Quad Cities,
Respondent

By: 
John L. McGehee, Attorney for Respondent

John L. McGehee
Jennifer L. Kincaid
Attorneys for Respondent
McGehee, Olson, Pepping & Balk, Ltd.
105 7th Street
Silvis, IL 61282
Telephone: (309) 755-5096
Facsimile: (309) 755-0499

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on November 9, 2011.

By: Overnight Courier FAX E mailed
 Hand Delivered U.S. Mail Other
 Certified Mail Scanned

Signature 

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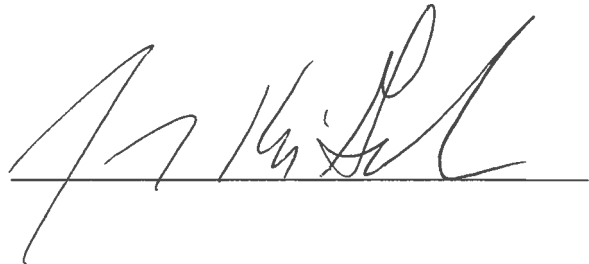
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CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Appearance, by first class mail, upon the following persons:

Lisa Madigan
Attorney General of the State of Illinois
Christopher J. Grant
Assistant Attorney General
Environmental Bureau
Attorney General of the State of Illinois
69 W. Washington Street, #1800
Chicago, IL 60602
(312) 814-5388



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Jennifer L. Kincaid
Attorneys for Respondent
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