

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF NASHVILLE, ILLINOIS,)	
a municipal corporation,)	
)	
Petitioner,)	
)	
v.)	PCB 14-113
)	
SISCO CORPORATION, d/b/a SISCO)	
BOX CORPORATION, an Illinois)	
Corporation,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John Therriault	Carol Webb, Esq.
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **SISCO CORPORATION, d/b/a SISCO BOX CORPORATION'S ANSWER TO COMPLAINT**, copies of which are herewith served upon you.

Respectfully submitted,

SISCO CORPORATION, d/b/a SISCO
BOX CORPORATION,
Respondent,

Dated: May 23, 2014

By: /s/ Edward W. Dwyer
One of Its Attorneys

Edward W. Dwyer
Ethan S. Pressly
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Edward W. Dwyer, the undersigned, hereby certify that I have served the attached **SISCO CORPORATION, d/b/a SISCO BOX CORPORATION'S ANSWER TO COMPLAINT** upon:

John T. Therriault
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

via electronic mail on May 23, 2014; and upon:

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

Raymond Kolvwier, Mayor
City of Nashville
190 N. East Court Street
Nashville, Illinois 62263

William C. DeMoss, City Attorney
Hohlt, House, DeMoss & Epplin
146 E. St. Louis Street
P. O. Box 249
Nashville, Illinois 62263

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on May 23, 2014.

/s/ Edward W. Dwyer
Edward W. Dwyer

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SISCO CORPORATION, d/b/a SISCO BOX CORPORATION'S ANSWER TO COMPLAINT

NOW COMES Respondent, SISCO CORPORATION, d/b/a SISCO BOX CORPORATION, an Illinois Corporation (hereinafter referred to as "Sisco"), by and through their attorneys, HODGE DWYER & DRIVER, pursuant to 35 Ill. Admin. Code § 103.204(d), and hereby submits its Answer to Petitioner's Complaint as follows:

1. Your name, Street address, county, state: City of Nashville, Illinois 190 N. East Court Street, Nashville, Illinois 62263.

ANSWER: The allegations in paragraph 1 are directed toward the Petitioner and, therefore, require no response by Sisco.

2. Place where you can be contacted during normal business hours (if different from above): William C. DeMoss, City Attorney, HOHLT, HOUSE, DeMOSS & EPPLIN, 146 E. St. Louis Street, P.O. Box 249, Nashville, IL 62263.

ANSWER: The allegations in paragraph 2 are directed toward the Petitioner and, therefore, require no response by Sisco.

3. Name and address of respondent (alleged polluter): Sisco Corporation, d/b/a Sisco Box Corporation, Attn: Joel Whitener, 1520 S. Mill Street, Nashville, IL 62263.

ANSWER: Sisco admits the allegations in paragraph 3, except the parenthetical allegation “alleged polluter, which Sisco denies.

4. Describe the type of business or activity that you will allege is causing or allowing pollution (*e.g.*, manufacturing company, home repair shop) and give the address of the pollution source if different than the address above: See attached Executive Summary prepared by Consultant, JP Acoustics, dated January 24, 2014. An exhaustive report with graphs, photographs, tables, charts, and recommendation for noise attenuation will be provided upon request of the PCB.

ANSWER: The Executive Summary of the JPAcoustics Report and corresponding graphs, photographs, tables, charts, and recommendation for noise attenuation speak for themselves. To the extent that paragraph 4 alleges any facts, Sisco has insufficient information to admit or deny the remaining allegations contained in paragraph 4 and, therefore, denies those allegations.

5. List Specific sections of the Environmental Protection Act, Board Regulations, Board Order, or permit that you allege have been or are being violated: Originally filed as Part 1 of Chapter 8: Noise Pollution, effective August 10, 1073; amended at 2 Ill. Reg. 27, p. 223, effective June 26, 1978; amended at 5 Ill. Reg. 6371, effective June 1, 1981; amended at 5 Ill. Reg. 8533, effective August 10, 1981; amended at 6 Ill. Reg. 10960, effective September 1, 1982; codified at 7 Ill. Reg. 13579; amended in R83-7 at 11 Ill. Reg. 3121, effective January 28, 1987.

ANSWER: The allegations of paragraph 5 are legal conclusions which require no response by Sisco. To the extent that paragraph 5 contains any factual allegations, Sisco denies those allegations.

6. Describe the type of pollution that you allege (*e.g.*, air, odor, noise, water, sewer back-ups, hazardous waste) and the location of the alleged pollution. Be as specific as you reasonably can in describing the alleged pollution: Cyclone System noise in the City of Nashville, Illinois.

ANSWER: Sisco admits that Sisco Box Corporation's facility has a cyclone system that is located in the City of Nashville, Illinois. Sisco has insufficient information to admit or deny the remaining allegations contained in paragraph 6 and, therefore, denies those allegations.

7. Describe the duration and frequency of the alleged pollution. Be as specific as you reasonably can about when you first noticed the alleged pollution, how frequently it occurs, and whether it is still continuing (include seasons of the year, dates, and times of day if known): 5:30 a.m. – 4:30 p.m. on a daily basis. The first complaint to the City of Nashville was on August 15, 2013.

ANSWER: Sisco has insufficient information to admit or deny the allegations in paragraph 7 and, therefore, denies those allegations.

8. Describe any bad effects that you believe the alleged pollution has or has had on human health, on plant or animal life, on the environment, on the enjoyment of life or property, or on any lawful business or activity: Inconvenience of the noise (nuisance).

ANSWER: Sisco has insufficient information to admit or deny the allegations in paragraph 8 and, therefore, denies those allegations.

9. Describe the relief that you seek from the Board (*e.g.*, an order that the respondent stop polluting, take pollution abatement measures, perform cleanup, reimburse cleanup costs, change its operation, or pay a civil penalty (note that the Board cannot order the respondent to pay your attorney fees or any out-of-pocket expenses that you incur by pursuing an enforcement action)): Take pollution abatement measures.

ANSWER: The allegations in paragraph 9 are directed toward the Petitioner and, therefore, require no response by Sisco. To the extent that paragraph 9 can be construed to contain allegations against Sisco, Sisco denies the same.10. Identify any identical or substantially similar case you know of that is already pending before the Board or in another forum against this respondent for the same alleged pollution (note that you need not include any complaints made to the Illinois Environmental Protection Agency or any unit of local government): Complainant has not researched whether substantially similar cases are pending before the IPCB.

ANSWER: The allegations in paragraph 10 are directed toward the Petitioner and, therefore, require no response by Sisco. To the extent that paragraph 10 can be construed to contain allegations against Sisco, Sisco denies the same.

11. State whether you are representing (a) yourself as an individual or (b) your unincorporated sole proprietorship. Also, state whether you are an attorney, and if so, whether you are licensed and registered to practice law in Illinois. (Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. Also, and individual who is not an attorney cannot

represent another individual or other individuals before the Board. However, an individual is not an attorney is allowed to represent (a) himself or herself as an individual or (b) his or her unincorporated sole proprietorship, though the individual may prefer having attorney representation.): Municipality – by City Attorney who is licensed to practice law in the State of Illinois – ARDC #0618-6696.

ANSWER: The allegations in paragraph 11 are directed toward the Petitioner and, therefore, require no response by Sisco. To the extent that paragraph 11 can be construed to contain allegations against Sisco, Sisco denies the same.

WHEREFORE, Respondent, SISCO CORPORATION, d/b/a SISCO BOX CORPORATION, prays that Complainant take nothing by way of its Complaint, and that the Board award Sisco all relief just and proper in the premises.

Respectfully submitted,

SISCO CORPORATION, d/b/a SISCO
BOX CORPORATION,
Respondent,

By: /s/ Edward W. Dwyer
Edward W. Dwyer

Dated: May 23, 2014

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