

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 10 2003

STATE OF ILLINOIS
Pollution Control Board

PCB 03-183
(Enforcement - Air)

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
PASSAVANT AREA HOSPITAL,)
an Illinois not-for-profit corporation,)
)
Respondent.)

NOTICE OF FILING

TO: Deborah L. Barnes
Assistant Attorney General
Environmental Bureau
500 S. Second St.
Springfield, IL 62706

PLEASE TAKE NOTICE that I have today mailed for filing with the Office of the Clerk of the Pollution Control Board the an original and nine copies of the following:

1. ANSWER of Passavant Area Hospital, an Illinois not-for profit corporation;
2. APPEARANCE; and
3. CERTIFICATE OF SERVICE

copies of which herewith served upon you.

Respectfully submitted,



Babette P. Salus

Date:

June 4, 2003

Babette P. Salus
Schwing & Salus P.C.
1100 S. Fifth St.
Springfield, IL 62703
(217) 544-3232
(217) 544-3273 (fax)

This filing is submitted on recycled paper.

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ANSWER

Respondent, PASSAVANT AREA HOSPITAL, an Illinois not-for-profit corporation, answers the Complaint previously filed in this matter as follows:

COUNT I

1. Respondent lacks sufficient information to either admit or deny the allegations contained in paragraph 1 of Count I of the Complaint.
2. Respondent admits the allegations contained in paragraph 2 of Count I of the Complaint.
3. Respondent admits the allegations contained in paragraph 3 of Count 1 of the Complaint.
4. Respondent admits the allegations contained in paragraph 4 of Count 1 of the Complaint.
5. Respondent admits the allegations contained in paragraph 5 of Count 1 of the Complaint.
6. Respondent admits the allegations contained in paragraph 6 of Count 1 of the

conducting an annual performance test.

18. Respondent denies the allegations contained in paragraph 18 of Count II of the Complaint.

19. Respondent lacks sufficient information to admit or deny the allegations contained in paragraph 19 of Count II of the Complaint.

20. Respondent denies the allegations contained in paragraph 20 of Count II of the Complaint.

21. Respondent denies the allegations contained in paragraph 21 of Count II of the Complaint.

22. Respondent denies the allegations contained in paragraph 22 of Count II of the Complaint.

23. Respondent denies the allegations contained in paragraph 23 of Count II of the Complaint.

24. Respondent denies the allegations contained in paragraph 24 of Count II of the Complaint.

The remainder of Count II of the Complaint consists of the Complainant's prayer for relief to which no answer is required, however to the extent that it a response is deemed to be required, Respondent Answers as follows:

A. Respondent admits that Complainant is entitled to the relief requested in paragraph A of Count II of the Complaint.

B. Respondent denies that Complainant is entitled to the relief requested in paragraph

A of Count II of the Complaint.

C. Respondent denies that Complainant is entitled to the relief requested in paragraph C of Count II of the Complaint.

D. Respondent denies that Complainant is entitled to the relief requested in paragraph D of Count II of the Complaint.

E. Respondent denies that Complainant is entitled to the relief requested in paragraph E of Count II of the Complaint.

F. Respondent lacks sufficient information to determine whether the Complainant is entitled to the relief requested in paragraph F of Count II of the Complaint.

COUNT III

1-6. Respondent restates its answers and incorporates by reference herein paragraphs 1 through 6 of its answer to Count I as paragraphs 1 through 6 of its answer to Count III of the Complaint.

7. Respondent admits the allegations contained in paragraph 7 of Count II of the Complaint.

8. Respondent denies the allegations contained in paragraph 8 of Count III of the Complaint.

9. Respondent admits the allegations contained in paragraph 9 of Count III of the Complaint.

10. a. Respondent admits the allegations contained in subparagraph a of paragraph 10 of Count III of the Complaint and further affirmatively states that as the CAAPP permit was

issued on June 18, 2001, a record of total annual emissions for the calendar year 2001 would not have been available and a record for total annual emissions for calendar year 2000 were not required to be maintained.

b. Respondent admits the allegations contained in subparagraph b of paragraph 10 of Count III and further affirmatively states that as of the date of the September 5, 2001, the CO monitoring unit had not been calibrated, was not certified and was not operable, therefore Respondent could not make these records available.

c. Respondent denies the allegations contained in subparagraph c of paragraph 10 of Count III of the Complaint.

d. Respondent denies the allegations contained in subparagraph d of paragraph 10 of Count III of the Complaint.

e. Respondent admits the allegation contained in paragraph 10(e) of Count III and further affirmatively states that the unit was not certified until October 2001 and records covering the period from October 2001 through November 2001 were submitted to the Illinois EPA in response to a letter request from Illinois EPA dated November 29, 2001.

11. Respondent denies the allegations contained in paragraph 11 of Count III of the Complaint.

12. Respondent denies the allegations contained in paragraph 12 of Count III of the Complaint.

13. Respondent denies the allegations contained in paragraph 13 of Count III of the Complaint.

14. Respondent denies the allegations contained in paragraph 14 of Count III of the Complaint.

15. Respondent denies the allegations contained in paragraph 15 of Count III of the Complaint.

The remainder of Count III of the Complaint consists of the Complainant's prayer for relief to which no answer is required, however to the extent that it a response is deemed to be required, Respondent Answers as follows:

A. Respondent admits that Complainant is entitled to the relief requested in paragraph A of Count III of the Complaint.

B. Respondent denies that Complainant is entitled to the relief requested in paragraph B of Count III of the Complaint.

C. Respondent denies that Complainant is entitled to the relief requested in paragraph C of Count III of the Complaint.

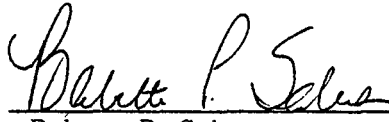
D. Respondent denies that Complainant is entitled to the relief requested in paragraph D of Count III of the Complaint.

E. Respondent denies that Complainant is entitled to the relief requested in paragraph E of Count III of the Complaint.

F. Respondent lacks sufficient information to determine whether the Complainant is entitled to the relief requested in paragraph F of Count III of the Complaint.

PASSAVANT AREA HOSPITAL,
an Illinois not-for-profit corporation,

RESPONDENT

BY: 
Babette P. Salus

Babette P. Salus
Schwing & Salus, P.C.
1100 S. Fifth St.
Springfield, IL 62703
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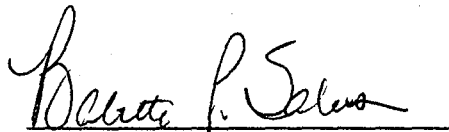
Respondent.)

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on June 4, 2003, I served the Notice of Filing,
Appearance, and Answer of Passavant Area Hospital, by U.S. mail, first class postage pre-paid,
upon:

Deborah L. Barnes
Assistant Attorney General
Environmental Bureau
500 S. Second St.
Springfield, IL 62706


Babette P. Salus

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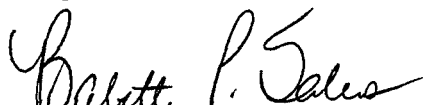
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APPEARANCE

I hereby file my appearance in this proceeding on behalf of the Respondent,
PASSAVANT AREA HOSPITAL, an Illinois not-for-profit corporation.

Respectfully submitted,


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