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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
HUCK STORE FIXTURE CO., INC.,)
an Illinois corporation,)
)
Respondent.)

PCB NO. 03-215
(Enforcement)

ANSWER

Respondent, Huck Store Fixture Co., Inc., responds to the Complaint as follows:

COUNT I
AIR POLLUTION

1. Respondent lacks sufficient information either to admit or deny the allegations in paragraph 1 and therefore, denies the allegations.
2. Respondent admits the allegations contained in paragraph 2 of Complainant's Complaint.
3. Respondent denies the allegations contained in paragraph 3 of Complainant's Complaint.
4. Respondent admits the allegations contained in paragraph 4 of Complainant's Complaint.
5. Paragraph 5 of Complainant's Complaint states a provision of law, which requires no response.
6. Paragraph 6 of Complainant's Complaint states a provision of law, which requires no response.

7. Paragraph 7 of Complainant's Complaint states a provision of law, which requires no response.

8. Respondent admits the allegations contained in paragraph 8 of Complainant's Complaint.

9. Respondent lacks sufficient information either to admit or deny the allegations in paragraph 9 and, therefore, denies the allegations.

10. Respondent denies the allegations contained in paragraph 10 of Complainant's Complaint.

COUNT II
VIOLATION OF PERMIT CONDITIONS
(Failure to keep records)

1-4. Respondent incorporates by reference its response to paragraphs 1-3 of Count I as if fully set forth herein.

5. Paragraph 5 of Complainant's Complaint states a provision of law, which requires no response.

6. Respondent admits the allegations contained in paragraph 6 of Complainant's Complaint.

7. Respondent denies the allegations contained in paragraph 7 of Complainant's Complaint.

8. Respondent denies the allegations contained in paragraph 8 of Complainant's Complaint.

COUNT III
FAILURE TO OBTAIN CONSTRUCTION PERMIT

1-4. Respondent incorporates by reference its response to paragraphs 1-4 of Count I as

if fully set forth herein.

5. Paragraph 5 of Complainant's Complaint states a provision of law, which requires no response.

6. Paragraph 6 of Complainant's Complaint states a provision of law, which requires no response.

7. Paragraph 7 of Complainant's Complaint states a provision of law, which requires no response.

8. Paragraph 8 of Complainant's Complaint states a provision of law, which requires no response.

9. Respondent lacks sufficient information either to admit or deny the allegations and, therefore, denies the allegations contained in paragraph 9 of Complainant's Complaint.

10. Respondent admits the allegations contained in paragraph 10 of Complainant's Complaint.

11. Respondent denies the allegations contained in paragraph 11 of Complainant's Complaint.

12. Respondent denies the allegations contained in paragraph 12 of Complainant's Complaint.

13. Respondent denies the allegations contained in paragraph 13 of Complainant's Complaint.

COUNT IV

FAILURE TO OBTAIN OPERATING PERMIT

1-4. Respondent incorporates by reference its response to paragraphs 1-3 of Count I as if fully set forth herein.

Complaint.

WHEREFORE, Respondent respectfully requests that Counts I–IV be dismissed and it be awarded its costs and such other relief as is appropriate.

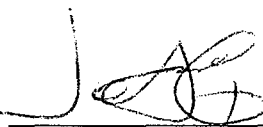
AFFIRMATIVE DEFENSES

1. Complainant has failed to state a claim on which relief can be granted.
2. Respondent was not in violation of the cited regulations as alleged, because it performed an alternative calculation as permitted by 35 Illinois Administrative Code §215.207, and did not have the exceedences as alleged in the Complaint.
3. Respondent performed no “modification” of any source.
4. Respondent had no knowledge of the alleged non-compliance and believed in good faith that it was in compliance with the applicable regulations and permits.
5. Any alleged violation by Respondent of any of the cited regulations was de minimis in nature.
6. Respondent experienced no financial advantage through the alleged violations.

Respectfully submitted,

ARMOSTRONG TEASDALE LLP

By: _____


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served this 10 day of July, 2003 via UPS Overnight Delivery upon:

Thomas Davis
Senior Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706

And by First Class Mail to:

Deborah L. Barnes
Senior Assistant Attorney General
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