

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 05-66  
 )  
 PETCO PETROLEUM CORPORATION,) )  
 an Indiana Corporation, )  
 )  
 Respondent. )

**ANSWER**

NOW COMES Respondent, PETCO PETROLEUM CORPORATION, by its attorneys Sorling, Northrup, Hanna, Cullen & Cochran, Ltd, Charles J. Northrup, of Counsel, and for its Answer to Complainant's Complaint states as follows:

**COUNT I**  
**(Water Pollution Violations (May 24, 2004))**

1. Respondent neither admits nor denies the allegations set out in paragraph one and further states it possesses insufficient knowledge to form a belief as to the allegations.
2. Respondent admits the allegations set out in paragraph two.
3. Respondent admits the allegations set out in paragraph three.
4. Respondent admits the allegations set out in paragraph four.
5. Respondent admits that a portion of Section 12 of the Illinois Environmental protection Act ("Act") is set out at paragraph five.
6. Respondent admits that Section 3.165 of the Act is set out at paragraph six.
7. Respondent admits that a portion of Section 3.395 of the Act is set out at paragraph seven.
8. Respondent admits that Section 3.545 of the Act is set out at paragraph eight.

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9. Respondent admits that Section 3.550 of the Act is set out at paragraph nine.
10. Respondent admits that Section 302.203 of the Illinois Pollution Control Board's ("Board") water pollution regulations is set out at paragraph ten.
11. Respondent admits that Section 302.208(g) of the Board's water pollution regulations references a general use quality standard for chloride.
12. Respondent admits that a portion of Section 304.105 of the Board's water pollution regulations is set out at paragraph twelve.
13. Respondent admits that Section 304.106 of the Board's water pollution regulations is set out at paragraph 13.
14. Respondent admits the allegations set out in paragraph 14.
15. Respondent denies the allegations set out in paragraph 15 as it calls for a legal conclusion.
16. Respondent denies the allegations set out in paragraph 16 as it calls for a legal conclusion.
17. Respondent denies the allegations set out in paragraph 17 as it calls for a legal conclusion.
18. Respondent neither admits nor denies the allegations set out in paragraph 18 and further states it possesses insufficient knowledge to form a belief as to the allegations.
19. Respondent denies the allegations set out in paragraph 19 as it calls for a legal conclusion.
20. Respondent denies the allegations set out in paragraph 19 as it calls for a legal conclusion.
21. Respondent denies the allegations set out in paragraph 19 as it calls for a legal conclusion.

WHEREFORE Respondent, Petco Petroleum Corporation, respectfully requests that this Board deny all forms of Relief prayed for by the Complainant in Count I of its Complaint.

**COUNT II**  
**(Water Quality Violations (May 24, 2004))**

1- 20. Respondent restates and incorporates herein by reference its Answers for paragraphs 1 through 20 of Count I for its Answer to paragraphs 1 through 20 of this Count II.

21. Respondent denies the allegations set out in paragraph 21 as it calls for a legal conclusion.

22. Respondent denies the allegations set out in paragraph 22 as it calls for a legal conclusion.

23. Respondent denies the allegations set out in paragraph 23 as it calls for a legal conclusion.

24. Respondent denies the allegations set out in paragraph 24 as it calls for a legal conclusion.

WHEREFORE Respondent, Petco Petroleum Corporation, respectfully requests that this Board deny all forms of Relief prayed for by the Complainant in Count II of its Complaint.

**COUNT III**  
**(Water Pollution Violations (August 21, 2004))**

1 -13. Respondent restates and incorporates herein by reference its Answers for paragraphs 1 through 13 of Count I for its Answer to paragraphs one through 13 of this Count III.

14. Respondent admits that it reported a release as set out in paragraph 14. Respondent denies as vague the allegation that the release was caused by a "large" corrosion hole. Respondent further clarifies that the release occurred at the J.B. Tucker lease.

15. Respondent denies the allegations set out in paragraph 15 as it calls for a legal conclusion.

16. Respondent denies the allegations set out in paragraph 16 as it calls for a legal conclusion.

17. Respondent denies the allegations set out in paragraph 17 as it calls for a legal conclusion.

18. Respondent neither admits nor denies the allegations set out in paragraph 18 and further states it possesses insufficient knowledge to form a belief as to the allegations.

19. Respondent neither admits nor denies the allegations set out in paragraph 19 and further states it possesses insufficient knowledge to form a belief as to the allegations.

20. Respondent denies the allegations set out in paragraph 20 as it calls for a legal conclusion.

21. Respondent denies the allegations set out in paragraph 21 as it calls for a legal conclusion.

22. Respondent denies the allegations set out in paragraph 21 as it calls for a legal conclusion.

WHEREFORE Respondent, Petco Petroleum Corporation, respectfully requests that this Board deny all forms of Relief prayed for by the Complainant in Count III of its Complaint.

**COUNT IV**  
**(Water Quality Violations (August 21, 2004))**

1 -13. Respondent restates and incorporates herein by reference its Answers for paragraphs 1 through 13 of Count I for its Answer to paragraphs one through 13 of this Count IV.

14-19. Respondent restates and incorporates herein by reference its Answers for paragraphs 14 through 19 of Count III for its Answer to paragraphs 14 through 19 of this Count IV.

20. Respondent denies the allegations set out in paragraph 20 as it calls for a legal conclusion.

21. Respondent denies the allegations set out in paragraph 21 as it calls for a legal conclusion.

22. Respondent denies the allegations set out in paragraph 22 as it calls for a legal conclusion.

23. Respondent denies the allegations set out in paragraph 23 as it calls for a legal conclusion.

WHEREFORE Respondent, Petco Petroleum Corporation, respectfully requests that this Board deny all forms of Relief prayed for by the Complainant in Count IV of its Complaint.

**COUNT V**  
**(Water Pollution Violations (October 4, 2004))**

1 -13. Respondent restates and incorporates herein by reference its Answers for paragraphs 1 through 13 of Count I for its Answer to paragraphs 1 through 13 of this Count V.

14. Respondent admits the allegations set out in paragraph 14.

15. Respondent denies the allegations set out in paragraph 15 as it calls for a legal conclusion.

16. Respondent denies the allegations set out in paragraph 16 as it calls for a legal conclusion.

17. Respondent denies the allegations set out in paragraph 17 as it calls for a legal conclusion.

18. Respondent neither admits nor denies the allegations set out in paragraph 18 and further states it possesses insufficient knowledge to form a belief as to the allegations.

19. Respondent neither admits nor denies the allegations set out in paragraph 19 and further states it possesses insufficient knowledge to form a belief as to the allegations.

20. Respondent denies the allegations set out in paragraph 20 as it calls for a legal conclusion.

21. Respondent denies the allegations set out in paragraph 21 as it calls for a legal conclusion.

22. Respondent denies the allegations set out in paragraph 22 as it calls for a legal conclusion.

WHEREFORE Respondent, Petco Petroleum Corporation, respectfully requests that this Board deny all forms of Relief prayed for by the Complainant in Count V of its Complaint.

**COUNT VI**  
**(Water Quality Violations (October 4, 2004))**

1 -13. Respondent restates and incorporates herein by reference its Answers for paragraphs 1 through 13 of Count I for its Answer to paragraphs 1 through 13 of this Count VI.

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14-19. Respondent restates and incorporates herein by reference its Answers for paragraphs 14 through 19 of Count V for its Answer to paragraphs 14 through 19 of this Count VI.

20. Respondent denies the allegations set out in paragraph 20 as it calls for a legal conclusion.

21. Respondent denies the allegations set out in paragraph 21 as it calls for a legal conclusion.

22. Respondent denies the allegations set out in paragraph 22 as it calls for a legal conclusion.

23. Respondent denies the allegations set out in paragraph 23 as it calls for a legal conclusion.

WHEREFORE Respondent, Petco Petroleum Corporation, respectfully requests that this Board deny all forms of Relief prayed for by the Complainant in Count VI of its Complaint.

Respectfully submitted

PETCO PETROLEUM CORPORATION,

Respondent

By: \_\_\_\_\_

One of Its Attorneys

—  
Sorling, Northrup, Hanna,  
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**PROOF OF SERVICE**

The undersigned hereby certifies that an original and ten (10) copies of the foregoing document were served by Federal Express to:

Ms. Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601

and one copy to:

Ms. Carol Webb  
Hearing Office  
Illinois Pollution Control Board  
1021 North Grand Ave. East  
Post Office Box 19276  
Springfield, IL 62794-9274

Mr. Tom Davis  
Illinois Attorney General's Office  
Environmental Division  
500 South Second Street  
Springfield, IL 62706

and by depositing same in the United States mail in Springfield, Illinois, on the \_\_\_\_ day of March, 2005, with postage fully prepaid.

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