

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

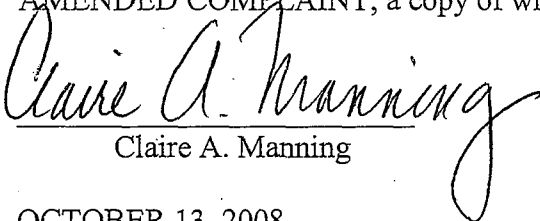
PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	PCB No. 06-82
v.)	(Enforcement)
)	
BARGER ENGINEERING, INC., an)	
Indiana Corporation,)	
)	
Respondent.)	

NOTICE OF FILING

To: Ms. Kristin Gale
Assistant Attorney General
Environmental Bureau
500 S. 2nd Street
Springfield, IL 62706

Ms. Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62974-9274

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board BARGER ENGINEERING'S ANSWER TO THIRD AMENDED COMPLAINT, a copy of which is herewith served upon you.



Claire A. Manning

OCTOBER 13, 2008

BROWN HAY & STEPHENS, LLP

Claire A. Manning
Registration No. 3124724
Alison K. Hayden
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205 S. Fifth Street, Suite 700
Springfield, IL 62701
217-544-8491

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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Complainant,)	
)	PCB No. 06-82
v.)	(Enforcement)
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BARGER ENGINEERING, INC., an)	
Indiana Corporation,)	
)	
Respondent.)	

**BARGER ENGINEERING'S ANSWER
TO THIRD AMENDED COMPLAINT**

NOW COMES Respondent, BARGER ENGINEERING, INC. by its attorneys
BROWN, HAY & STEPHENS, LLP, and for its Answer to Complainants Third
Amended Complaint hereby state as follows:

COUNTS I-IV

Respondent specifically restates and incorporates herein by reference its Answers filed on April 14, 2006 and January 14, 2008 for Counts I through IV.

COUNT V

1-11. Respondent restates and incorporates herein by reference its Answers for paragraphs 1 through 5 and 12 through 16 of Count I for its Answers to paragraphs 1 through 10 of this Count V as well as paragraph 11 of Count II as its Answer to paragraph 11 of this Count V.

12. Respondent denies that on August 12, 2008 an above-ground injection line failed, but admits that a 2" fiberglass flow line at the Phillipstown Unit Water Flood Plant leaked.

13. Respondent admits that approximately 50 barrels of saltwater were released.

14. Respondent neither admits nor denies that the subject release entered a "creek" as the term "creek" is vague and ambiguous. Respondent admits that the salt water entered into a ditch.

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 and demands strict proof thereof, but admits that on August 12, 2008 the maximum chloride concentration measured in the ditch water was somewhere in the range of 700 – 1200 ppm.

17. Respondent denies the allegations set out in paragraph 17 and demands strict proof thereof, but admits that on August 13, 2008 the chloride concentration of the water was approximately 300 ppm, 583 ppm, and 103 ppm, measured at three different discrete locations.

18. Respondent denies the allegations set out in Paragraph 18 as it calls for a legal conclusion.

19. Respondent denies the allegations set out in Paragraph 19 as it calls for a legal conclusion.

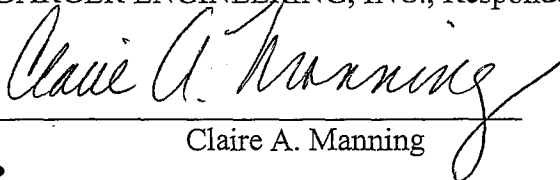
20. Respondent denies the allegations set out in Paragraph 20 as it calls for a legal conclusion.

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

WHEREFORE Respondent, Barger Engineering, Inc. respectfully requests that this Board deny all forms of Relief prayed for by the Complainant in Count V of its Amended Complaint.

Respectfully submitted,

BARGER ENGINEERING, INC., Respondent



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PROOF OF SERVICE

I, the undersigned, certify that I have served the attached BARGER ENGINEERING'S ANSWER TO THIRD AMENDED COMPLAINT, by electronic mail upon the following persons:

Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

and a copy to the following:

Ms. Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62974-9274

Ms. Kristin Gale
Assistant Attorney General
Environmental Bureau
500 S. 2nd Street
Springfield, IL 62706

by depositing same in United States mail in Springfield, Illinois, on the 13th day of October, 2008, with postage fully prepaid.



Claire A. Manning
Attorney