

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	
)	Case No. 06-82
BARGER ENGINEERING, INC., an)	
Indiana corporation,)	
)	
Respondent.)	

ANSWER

NOW COMES Respondent, Barger Engineering, Inc., 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:

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 the allegations set out in paragraph five.
6. Respondent admits that on or about the date alleged, a 3 inch PVC saltwater transfer line from the A.H. Cleveland tank battery to the Phillipstown Waterflood Injection Plant leaked resulting in a release of approximately 1,000 - 1,500 barrels of saltwater and approximately 5 to 10 barrels of crude oil. Respondent denies any allegations set out in paragraph six that are inconsistent with this response.

7. Respondent neither admits nor denies the allegations of paragraph seven insofar as the terms "drains" and "staining" are vague and ambiguous. Respondent admits the remainder of the allegations set out in paragraph seven.

8. Respondent neither admits nor denies the allegations of paragraph eight insofar as the terms "milky white suspension," "black precipitate," and "heavy areas" are vague and ambiguous. Respondent admits that some vegetation within the drainage way was impacted by the release.

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

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

11. Respondent neither admits nor denies the allegations set out in paragraph 11 and further states it possesses insufficient knowledge to form a belief as to the allegations.

12. Respondent denies the allegations set out in paragraph 12 as it calls for a legal conclusion.

13. Respondent admits that Section 3.545 of the Act is set out at paragraph 13.

14. Respondent admits that a portion of Section 12 of the Act is set out at paragraph 14.

15. Respondent admits that a portion of Section 302.203 of the Board's water pollution regulations is set out at paragraph 15.

16. Respondent admits that a portion of Section 302.208 of the Board's water pollution regulations is set out at paragraph 16.

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

conclusion.

18. Respondent denies the allegation set out in paragraph 18 as it calls for a legal conclusion.

19. Respondent denies the allegation set out in paragraph 19 as it calls for a legal conclusion.

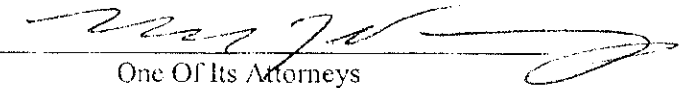
20. Respondent denies the allegation set out in paragraph 20 as it calls for a legal conclusion.

21. Respondent denies the allegation 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 this Complaint.

Respectfully submitted,

BARGER ENGINEERING, INC., Respondent

By: 
One Of Its Attorneys

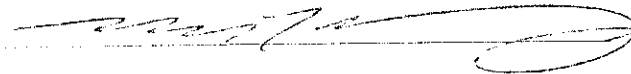
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PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served by placing same in a sealed envelope addressed:

Ms. Kristen Gale
Assistant Attorney General
500 South Second Street
Springfield, IL 62706

and by depositing same in the United States mail in Springfield, Illinois, on the 14th day of April, 2005, with postage fully prepaid.

A handwritten signature in black ink, appearing to be "Kristen Gale", written over a horizontal line.