

JUN 06 2005

STATE OF ILLINOIS
Pollution Control Board

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

PCB 05-66

ANSWER TO AMENDED COMPLAINT

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 Amended 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.
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.

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.

COUNT VII
(Water Pollution Violations (May 31, 2004))

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

14. Respondent admits the allegations set out in paragraph 14, with the exception of that portion of the allegation that refers to the Ada Clow Sump being located in a "flood plain." This term is vague and calls for a legal conclusion.

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 that 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 that 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 VII of its Amended Complaint.

COUNT VIII

(Water Quality Violations (May 31, 2004))

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

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

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 VII of its Amended Complaint.

COUNT IX

(Water Pollution Violations (November 8, 2004))

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

14. Respondent denies the allegations set out in paragraph 14 as it calls for a legal conclusion.

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

16. Respondent admits the allegations set out in paragraph 16.

17. Respondent neither admits nor denies the allegations set out in paragraph 17 and further states that it possesses insufficient knowledge to form a belief as to the allegations.

18. Respondent neither admits nor denies the allegations set out in paragraph 18 and further states that 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 that 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.

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

COUNT X

(Water Quality Violations (November 8, 2004))

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

14 - 18. Respondent restates and incorporates herein by reference its Answers for paragraphs 14 through 18 of Count IX for its Answers to paragraphs 14 through 18 of this Count X.

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, Petco Petroleum Corporation, respectfully requests that this Board deny all forms of relief prayed for by the Complainant in Count X of its Amended Complaint.

COUNT XI

(Water Pollution Violations (December 2, 2004))

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

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 that 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 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, Petco Petroleum Corporation, respectfully requests that this Board deny all forms of relief prayed for by the Complainant in Count XI of its Amended Complaint.

COUNT XII

(Water Quality Violations (December 2, 2004))

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

14 -18. Respondent restates and incorporates herein by reference its Answers for paragraphs 14 through 18 of Count IX for its Answers to paragraphs 14 through 18 of this Count XII.

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, Petco Petroleum Corporation, respectfully requests that this Board deny all forms of relief prayed for by the Complainant in Count XII of its Amended Complaint.

COUNT XIII

(Water Pollution Violations (February 15, 2005))

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

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 neither admits nor denies the allegations set out in paragraph 17 and further states that it possesses insufficient knowledge to form a belief as to the allegations.

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.

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

Respectfully submitted

PETCO PETROLEUM CORPORATION, Respondent

By: 
One of Its Attorneys

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PROOF OF SERVICE

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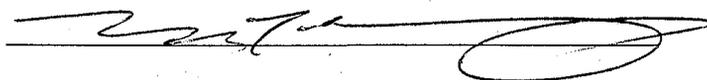
Ms. Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
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Ms. Carol Webb
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Illinois Pollution Control Board
1021 North Grand Ave. East
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Thomas Davis, Chief
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and by depositing same in the United States mail in Springfield, Illinois, on the 2nd day of June, 2005, with postage fully prepaid.

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