

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 17 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

**SUPPLEMENTAL RESPONSE TO COMPLAINANT'S REQUEST FOR THE ADMISSION OF FACTS PURSUANT TO HEARING OFFICER ORDER**

NOW COMES Respondent, Petco Petroleum Corp., by and through its attorneys, Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., Charles J. Northrup, of counsel, and hereby provides this Supplemental Response to Complainant's Request for the Admission of Fact Pursuant to an August 19, 2005 Hearing Officer Order:

3. Without waiving any arguments as to degree, extent, source, composition or subjectiveness of the observed discoloration, Respondent admits that the surface of the water in the small tributary to Big Creek downstream of the reported release was "discolored."

4. Without waiving any arguments as to degree, extent, source, composition or subjectiveness of the observed unnatural bottom deposits, Respondent admits that the small tributary to Big Creek downstream of the reported release contained "unnatural bottom deposits."

6. Without waiving any arguments as to degree, extent, source, composition or subjectiveness of the observed discoloration, Respondent admits that the surface of the water in Little Moccasin Creek downstream of the reported release was "discolored."

9. Without waiving any arguments as to degree, extent, source, composition or subjectiveness of the observed "black suspended precipitate," Respondent admits that "black

suspended precipitate” was present on the bottom of Little Creek downstream of the reported release.

10. Without waiving any arguments as to degree, extent, source, composition or subjectiveness of the observed discoloration and turbidity, Respondent admits that the waters in Little Creek downstream of the reported release were “discolored” and “turbid.”

13. The Respondent admits the facts contained in paragraph 13.

18. Without waiving any arguments as to degree, extent, source, composition or subjectiveness of the observed “black suspended precipitate,” Respondent admits that “black suspended precipitate” was present in the water of the tributary of Big Creek downstream of the reported release.

20. Without waiving any arguments as to degree, extent, source, composition or subjectiveness of the observed discoloration and turbidity, Respondent admits that the waters of the tributary of Big Creek were “discolored” and “turbid.”

22. Without waiving any arguments as to degree, extent, source, composition or subjectiveness of the observed “affected area,” Respondent admits that an area was “affected” before discharging into a tributary of South Fork Creek.

26. Without waiving any arguments as to degree, extent, source, composition or subjectiveness of the observed “impacted area,” Respondent admits that an area was “impacted” by the February 15, 2005 release.

Respectfully submitted,

PETCO PETROLEUM CORPORATION,  
Respondent

By:   
One of Its Attorneys

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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 regular U.S. Mail 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

Thomas Davis, Chief  
Environmental Bureau  
Office of the Attorney General  
500 South Second Street  
Springfield, IL 62706

and by depositing same in the United States mail in Springfield, Illinois, on the 14<sup>th</sup> day of October, 2005, with postage fully prepaid.

A large, stylized handwritten signature in black ink, appearing to be the name of the undersigned, written over a horizontal line.