

APR 22 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
Complainant, )  
 )  
vs. )  
 )  
PASSAVANT AREA HOSPITAL, )  
an Illinois not-for-profit corporation, )  
Respondent. )

PCB 03-183  
(Enforcement - Air)

NOTICE OF FILING

TO: Ms. Sally A. Carter  
Assistant Attorney General  
Environmental Bureau  
500 S. Second St.  
Springfield, IL 62706

PLEASE TAKE NOTICE that I have today mailed for filing with the Office of the Clerk of the  
Pollution Control Board the an original and ten copies of the following:

1. Notice of Filing
2. Respondent's Motion for Leave to File Answer to Second Supplemental and Amended Complaint;
3. Respondent's Answer to Second Supplemental and Amended Complaint;  
and
4. Certificate of Service

copies of which herewith served upon you.

Respectfully submitted,

  
Babette P. Salus

Date: April 19, 2004

Schwing & Salus P.C.  
1100 S. Fifth St.  
Springfield, IL 62703  
(217) 544-3232  
(217) 544-3273 (fax)

This filing is submitted on recycled paper.

RECEIVED  
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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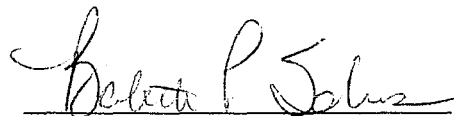
CERTIFICATE OF SERVICE

I, the undersigned, certify that on April 19, 2004, I served the Notice of Filing, Respondent's Motion for Leave to File Answer to Second Supplemental and Amended Complaint; and Respondent's Answer to Second Supplemental and Amended Complaint by U.S. mail, first class postage pre-paid, upon:

Ms. Sally A. Carter  
Assistant Attorney General  
Environmental Bureau  
500 S. Second St.  
Springfield, IL 62706

and that a copy said documents was also sent by first class mail postage prepaid to:

Ms. Carol Sudman, Hearing Officer  
Illinois Pollution Control Board  
1021 N. Grand Avenue, East  
P. O. Box 19274  
Springfield, IL 62974-9274



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Schwing & Salus P.C.  
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an Illinois not-for-profit corporation, )  
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Respondent. )

PCB 03-183  
(Enforcement - Air)

RESPONDENT'S MOTION FOR LEAVE TO FILE INSTANTER  
RESPONDENT'S ANSWER TO SECOND SUPPLEMENTAL  
AND AMENDED COMPLAINT

Respondent, PASSAVANT AREA HOSPITAL, an Illinois not-for-profit corporation, hereby requests leave to file *instanter* its Answer to Complainant's Second Supplemental and Amended Complaint. On April 8, 2003, Complainant filed a three count complaint alleging violations of the Illinois Environmental Protection Act, provisions of the Pollution Control Board's Rules and conditions of permits issued by the Illinois Environmental Protection Agency to Respondent Passavant Area Hospital. A timely answer was filed on June 4, 2003. On August 15, 2003, Complainant submitted for filing its First Supplemental and Amended Complaint, the filing of the First Supplemental and Amended Complaint was allowed. On November 21, 2003 Complainant submitted for filing a Second Supplemental and Amended Complaint. Prior to the date due for filing its Answer Respondent asked for additional time to in which to file its Answer because (1) Respondent had undergone a change in engineering management and therefore required additional time to research the allegations contained the

Second Supplemental and Amended Complaint, and (2) Respondent felt it more pressing to devote its engineering resources on resolving problems associated with the pollution control device, rather than expending resources on determining its history of compliance. This decision was justified by the fact that Respondent is not operating its Medical Waste Incinerator.

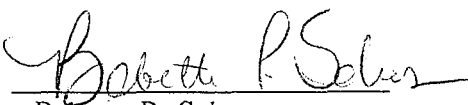
Respondent required the additional time in order to research and accurately answer the allegations set forth in the Second Supplemental and Amended Complaint. Respondent notes that at no point has Respondent attempted to delay or impede enforcement efforts and, to the contrary, has attempted to expedite them by voluntarily waiving Section 31 requirements.

WHEREFORE, Respondent respectfully requests that this Motion be granted and that it be allowed leave to file *instanter* Respondent's Answer to Second Supplemental and Amended Complaint.

Respectfully submitted,

PASSAVANT AREA HOSPITAL,  
an Illinois not-for-profit corporation,

RESPONDENT

BY:   
Babette P. Salus

Babette P. Salus  
Schwing & Salus, P.C.  
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(217) 544-3273 (fax)

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Respondent. )

PCB 03-183  
(Enforcement - Air)

RESPONDENT'S ANSWER TO SECOND SUPPLEMENTAL  
AND AMENDED COMPLAINT

Respondent, PASSAVANT AREA HOSPITAL, an Illinois not-for-profit corporation, answers the Second Supplemental and Amended Complaint previously filed in this matter as follows:

COUNT I

1. Respondent admits the allegations contained in paragraph 1 of Count I of the Second Supplemental and Amended Complaint.
2. Respondent admits the allegations contained in paragraph 2 of Count I of the Second Supplemental and Amended Complaint.
3. Respondent admits the allegations contained in paragraph 3 of Count 1 of the Second Supplemental and Amended Complaint.
4. Respondent denies the allegations contained in paragraph 4 of Count 1 of the Second Supplemental and Amended Complaint but does admit that until November 20, 2001, it did operate a medium hospital medical/infectious waste incinerator at its hospital located at 1600

West Walnut Street, Jacksonville, Morgan County, Illinois.

5. Respondent admits the allegations contained in paragraph 5 of Count 1 of the Second Supplemental and Amended Complaint.

6. Respondent admits the allegations contained in paragraph 6 of Count 1 of the Second Supplemental and Amended Complaint.

7. Respondent admits the allegations contained in paragraph 7 of Count I of the Second Supplemental and Amended Complaint.

8. Respondent admits the allegations contained in paragraph 8 of Count I of the Second Supplemental and Amended Complaint.

9. Respondent admits the allegations contained in paragraph 9 of Count I of the Second Supplemental and Amended Complaint.

10. Respondent admits the allegations contained in paragraph 10 of Count I of the Second Supplemental and Amended Complaint.

11. Respondent admits the allegations contained in paragraph 11 of Count I of the Second Supplemental and Amended Complaint.

12. Respondent admits the allegations contained in paragraph 12 of Count I of the Second Supplemental and Amended Complaint.

13. Respondent admits the allegations contained in paragraph 13 of Count I of the Second Supplemental and Amended Complaint.

14. Respondent admits the allegations contained in paragraph 14 of Count I of the Second Supplemental and Amended Complaint.

15. Paragraph 15 of Count I of the Second Supplemental and Amended Complaint sets

forth Complainant's conclusion of law, to which no answer is required.

16. Paragraph 16 of Count I of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required.

17. Paragraph 17 of Count I of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required.

The remainder of Count I of the Second Supplemental and Amended Complaint consists of the Complainant's prayer for relief to which no answer is required, however to the extent that it a response is deemed to be required, Respondent Answers as follows:

A. Respondent admits that Complainant is entitled to the relief requested in paragraph A of Count I of the Second Supplemental and Amended Complaint.

B. Respondent denies that Complainant is entitled to the relief requested in paragraph B of Count I of the Second Supplemental and Amended Complaint.

C. Respondent denies that Complainant is entitled to the relief requested in paragraph C of Count I of the Second Supplemental and Amended Complaint.

D. Respondent denies that Complainant is entitled to the relief requested in paragraph D of Count I of the Second Supplemental and Amended Complaint.

E. Respondent denies that Complainant is entitled to the relief requested in paragraph E of Count I of the Second Supplemental and Amended Complaint.

F. Respondent lacks sufficient information to determine whether the Complainant is entitled to the relief requested in paragraph F of Count I of the Second Supplemental and Complaint.

## COUNT II

1-8. Respondent restates its answers and incorporates by reference herein paragraphs 1 through 8 of its answer to Count 1 as paragraphs 1 through 8 of its answer to Count II of the Second Supplemental and Amended Complaint.

9. Respondent admits the allegations contained in paragraph 9 of Count II of the Second Supplemental and Amended Complaint.

8. Respondent admits the allegations contained in paragraph 10 of Count II of the Second Supplemental and Amended Complaint.

9. Respondent admits the allegations contained in paragraph 9 of Count II of the Second Supplemental and Amended Complaint.

10. Respondent admits the allegations contained in paragraph 10 of Count II of the Second Supplemental and Amended Complaint.

11. Respondent admits the allegations contained in paragraph 11 of Count II of the Second Supplemental and Amended Complaint.

12. Respondent admits the allegations contained in paragraph 12 of Count II of the Second Supplemental and Amended Complaint.

13. Respondent admits the allegations contained in paragraph 13 of Count II of the Second Supplemental and Amended Complaint.

14. Respondent admits the allegations contained in paragraph 14 of Count II of the Second Supplemental and Amended Complaint.

15. Respondent admits the allegations contained in paragraph 15 of Count II of the Second Supplemental and Amended Complaint.



16. Respondent admits the allegations contained in paragraph 16 of Count II of the Second Supplemental and Amended Complaint.

17. Respondent denies the allegations contained in paragraph 17 of Count II of the Second Supplemental and Amended Complaint

18. Respondent admits the allegations contained in paragraph 18 of Count II of the Second Supplemental and Amended Complaint, and further affirmatively states that:

(a) prior to September 15, 2001, the Respondent was in the process of installing Continuous Emission Monitoring System (CEMS) equipment and therefore opacity testing was postponed until the equipment was installed and that Respondent notified Illinois EPA of this decision and that the agency concurred in this decision; and

(b) on November 20, 2001, Respondent voluntarily ceased operation of the HMIWI until an additional air pollution control system (scrubber) is installed. From November 20, 2001, through September 15, 2002, the HMIWI was operated only in conjunction with the installation of the additional air pollution control system, as necessary to determine that the correct installation, operation, calibration, and balancing that system. Because Respondent voluntarily ceased operations of the HMIWI pending completion of the installation of the air pollution control system, it was not prudent to operate the HMIWI for the sole purpose of conducting an annual opacity test in 2002. Further, since the HMIWI was not being operated during the period from November 20, 2001 through September 15, 2002, and later, the results of an opacity test would have been meaningless.

19. Respondent admits the allegations contained in paragraph 19 of Count II of the Second Supplemental and Amended Complaint and, further, affirmatively states that:

(a) The Continuous Emissions Monitoring System (CEMS) was installed beginning the week of July 23, 2001. The CEMS installation was complete and the system commissioned prior to the emissions testing. Because of delays that were the result of Johnson Control, Inc.'s failure to properly install and commission the CEMS, the annual performance test was delayed and could not be conducted until September 25 and 26, 2001, approximately 10 days after the date by which annual performance test was to be conducted. However, prior to September 15, 2001, engineering contractors for the Respondent notified Illinois EPA of the problems regarding installation and certification of the CEMS and the resultant delay of the annual performance test; and

(b) On November 20, 2001, the Respondent voluntarily ceased operations of the HMIWI pending installation of the additional air pollution control system. Except to the extent necessary to determine that the correct installation, operation, calibration, and balancing that system, the HMIWI was not operated after November 20, 2001. Because Respondent voluntarily ceased operations of the HMIWI pending completion of the installation of the air pollution control system, it was not prudent to operate the HMIWI for the sole purpose of conducting an annual performance test.

20. Respondent denies the allegations contained in paragraph 20 of Count II of the Second Supplemental and Amended Complaint.

21. Respondent lacks sufficient information to admit or deny the allegations contained in paragraph 21 of Count II of the Second Supplemental and Amended Complaint.

22. Paragraph 22 of Count II of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that an

answer is deemed required, Respondent denies the allegations.

23. Paragraph 23 of Count II of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that an answer is deemed required, Respondent denies the allegations.

24. Paragraph 24 of Count II of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that an answer is deemed required, Respondent denies the allegations.

25. Paragraph 25 of Count II of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that an answer is deemed required, Respondent denies the allegations.

26. Paragraph 26 of Count II of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that an answer is deemed required, Respondent denies the allegations.

27. Paragraph 27 of Count II of the Second Supplemental and Amended Complaint set forth Complainant's conclusion of law, to which no answer is required, but to the extent that an answer is deemed required, Respondent denies the allegations.

The remainder of Count II of the Second Supplemental and Amended Complaint consists of the Complainant's prayer for relief to which no answer is required, however to the extent that it a response is deemed to be required, Respondent Answers as follows:

A. Respondent admits that Complainant is entitled to the relief requested in paragraph A of Count II of the Second Supplemental and Amended Complaint.

B. Respondent denies that Complainant is entitled to the relief requested in paragraph A of Count II of the Second Supplemental and Amended Complaint.

C. Respondent denies that Complainant is entitled to the relief requested in paragraph C of Count II of the Second Supplemental and Amended Complaint.

D. Respondent denies that Complainant is entitled to the relief requested in paragraph D of Count II of the Second Supplemental and Amended Complaint.

E. Respondent denies that Complainant is entitled to the relief requested in paragraph E of Count II of the Second Supplemental and Amended Complaint.

F. Respondent lacks sufficient information to determine whether the Complainant is entitled to the relief requested in paragraph F of Count II of the Second Supplemental and Amended Complaint.

### COUNT III

1-8. Respondent restates its answers and incorporates by reference herein paragraphs 1 through 8 of its answer to Count I as paragraphs 1 through 8 of its answer to Count III of the Second Supplemental and Amended Complaint.

9. Respondent admits the allegations contained in paragraph 9 of Count III of the Second Supplemental and Amended Complaint.

10. Respondent denies the allegations contained in paragraph 10 of Count III of the Second Supplemental and Amended Complaint.

11. Respondent admits the allegations contained in paragraph 11 of Count III of the Supplemental and Amended Complaint.

12. a. Respondent admits the allegations contained in subparagraph a of paragraph 12 of Count III of the Second Supplemental and Amended Complaint and further affirmatively states that as the CAAPP permit was issued on June 18, 2001, a record of total annual emissions for the calendar year 2001 would not have been available and a record for total annual emissions for calendar year 2000 was not required to be maintained.

b. Respondent admits the allegations contained in subparagraph b of paragraph 12 of Count III and further affirmatively states that as of the date of the September 5, 2001, the CO monitoring unit had not been calibrated, was not certified and was not operable, therefore Respondent could not make these records available.

c. Respondent denies the allegations contained in subparagraph c of paragraph 12 of Count III of the Second Supplemental and Amended Complaint.

d. Respondent denies the allegations contained in subparagraph d of paragraph 12 of Count III of the Second Supplemental and Amended Complaint.

e. Respondent admits the allegation contained in paragraph 12(e) of Count III and further affirmatively states that the unit was not certified until October 2001 and records covering the period from October 2001 through November 2001 were submitted to the Illinois EPA in response to a letter request from Illinois EPA dated November 29, 2001.

13. Paragraph 13 of Count III of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that an answer is deemed required, Respondent denies the allegations.

14. Paragraph 14 of Count III of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that

an answer is deemed required, Respondent denies the allegations.

15. Paragraph 15 of Count III of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that an answer is deemed required, Respondent denies the allegations.

16. Paragraph 16 of Count III of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that an answer is deemed required, Respondent denies the allegations.

17. Paragraph 17 of Count III of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that an answer is deemed required, Respondent denies the allegations.

The remainder of Count III of the Complaint consists of the Complainant's prayer for relief to which no answer is required, however to the extent that it a response is deemed to be required, Respondent Answers as follows:

A. Respondent admits that Complainant is entitled to the relief requested in paragraph A of Count III of the Second Supplemental and Amended Complaint.

B. Respondent denies that Complainant is entitled to the relief requested in paragraph A of Count III of the Second Supplemental and Amended Complaint.

C. Respondent denies that Complainant is entitled to the relief requested in paragraph C of Count III of the Second Supplemental and Amended Complaint.

D. Respondent denies that Complainant is entitled to the relief requested in paragraph D of Count III of the Second Supplemental and Amended Complaint.

E. Respondent denies that Complainant is entitled to the relief requested in paragraph E of Count III of the Second Supplemental and Amended Complaint.

F. Respondent lacks sufficient information to determine whether the Complainant is entitled to the relief requested in paragraph F of Count III of the Second Supplemental and Amended Complaint.

#### COUNT IV

1-7. Respondent restates its answers and incorporates by reference herein paragraphs 2 through 6 of its answer to Count I as paragraphs 1 through 7 of its answer to Count IV of the Second Supplemental and Amended Complaint.

8. Respondent admits the allegations contained in paragraph 8 of Count IV of the Second Supplemental and Amended Complaint.

9. Respondent admits the allegations contained in paragraph 9 of Count IV of the Second Supplemental and Amended Complaint.

10. Respondent admits the allegations contained in paragraph 10 of Count IV of the Second Supplemental and Amended Complaint.

11. Respondent denies the allegations contained in paragraph 11 of Count IV of the Second Supplemental and Amended Complaint.

12. Respondent admits that, as alleged in paragraph 12 of Count IV of the Second Supplemental and Amended Complaint, the CAAPP annual compliance certification submitted by Respondent did not expressly address the CAAPP permit conditions that apply specifically to the CO monitor, however, Respondent affirmatively states that the cover letter that was submitted

with the report explained that during calendar year 2002, the incinerator had not been operated on a continuous basis and that during the year the incinerator had been operated for a total of 104.5 hours and that was for the purpose of testing and balancing the incinerator in conjunction with the installation of a new wet scrubber system that was being installed.

13. Respondent admits that, as alleged in paragraph 13 of Count IV of the Second Supplemental and Amended Complaint, that it did not conduct a stack test in 2002 and therefore, could not provide data that would establish compliance with the standards for particulate matter, hydrogen chloride, cadmium, carbon monoxide, and dioxins/furans. However, as noted in Answer to the allegations set forth in paragraph 19 of Count II of the Second Supplemental and Amended Complaint, on November 20, 2001, the Respondent voluntarily ceased operations of the HMIWI pending installation of the additional air pollution control system. Except to the extent necessary to determine that the correct installation, operation, calibration, and balancing that system, the HMIWI was not operated after November 20, 2001. Because Respondent voluntarily ceased operations of the HMIWI pending completion of the installation of the air pollution control system, it was not prudent to operate the HMIWI for the sole purpose of conducting an annual performance test.

14. Paragraph 14 of Count III of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that an answer is deemed required, Respondent denies the allegations.

The remainder of Count IV of the Complaint consists of the Complainant's prayer for relief to which no answer is required, however to the extent that it a response is deemed to be



required, Respondent Answers as follows:

A. Respondent admits that Complainant is entitled to the relief requested in paragraph A of Count IV of the Second Supplemental and Amended Complaint.

B. Respondent denies that Complainant is entitled to the relief requested in paragraph A of Count IV of the Second Supplemental and Amended Complaint.

C. Respondent denies that Complainant is entitled to the relief requested in paragraph C of Count IV of the Second Supplemental and Amended Complaint.

D. Respondent denies that Complainant is entitled to the relief requested in paragraph D of Count IV of the Second Supplemental and Amended Complaint.

E. Respondent denies that Complainant is entitled to the relief requested in paragraph E of Count IV of the Second Supplemental and Amended Complaint.

F. Respondent lacks sufficient information to determine whether the Complainant is entitled to the relief requested in paragraph F of Count IV of the Second Supplemental and Amended Complaint.

#### COUNT V

1-7. Respondent restates its answers and incorporates by reference herein paragraphs 2 through 6 of its answer to Count I as paragraphs 1 through 7 of its answer to Count V of the Second Supplemental and Amended Complaint.

8-9. Respondent restates its answers and incorporates by reference herein paragraphs 8 and 10 of its answer to Count IV as paragraphs 8 through 9 of its answer to Count V of the Second Supplemental and Amended Complaint.

10. Respondent admits the allegations contained in paragraph 10 of Count V of the Second Supplemental and Amended Complaint.

11. Respondent admits the allegations contained in paragraph 11 of Count V of the Second Supplemental and Amended Complaint.

12. Respondent admits the allegations contained in paragraph 12 of Count V of the Second Supplemental and Amended Complaint.

13. Respondent admits the allegations contained in paragraph 13 of Count V of the Second Supplemental and Amended Complaint.

14. Respondent admits the allegations contained in paragraph 14 of Count V of the Second Supplemental and Amended Complaint.

15. Respondent admits the allegations contained in paragraph 15 of Count V of the Second Supplemental and Amended Complaint.

16. Respondent admits the allegations contained in paragraph 16 of Count V of the Second Supplemental and Amended Complaint.

17. Respondent admits the allegations contained in paragraph 17 of Count V of the Second Supplemental and Amended Complaint.

18. Respondent admits the allegations contained in paragraph 18 of Count V of the Second Supplemental and Amended Complaint and further states that the purpose for operating the incinerator for these additional 100.5 hours was to determine whether the pollution control device was properly installed and to make appropriate adjustments.

19. Respondent denies the allegations contained in paragraph 19 of Count V of the Second Supplemental and Amended Complaint.

20. Respondent admits that due to the limited operation of the incinerator in 2002, Respondent reported miniscule amounts of carbon monoxide, nitrogen oxides, particulate matter, and sulfur dioxide and no calculatable emissions of hydrogen chloride, mercury or dioxin/furans. Respondent denies the remainder of the allegations set forth in paragraph 20 of Count V of the Second Supplemental and Amended Complaint.

21. Paragraph 21 of Count V of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that an answer is deemed required, Respondent denies the allegations.

The remainder of Count V of the Complaint consists of the Complainant's prayer for relief to which no answer is required, however to the extent that it a response is deemed to be required, Respondent Answers as follows:

A. Respondent admits that Complainant is entitled to the relief requested in paragraph A of Count V of the Second Supplemental and Amended Complaint.

B. Respondent denies that Complainant is entitled to the relief requested in paragraph A of Count V of the Second Supplemental and Amended Complaint.

C. Respondent denies that Complainant is entitled to the relief requested in paragraph C of Count V of the Second Supplemental and Amended Complaint.

D. Respondent denies that Complainant is entitled to the relief requested in paragraph D of Count V of the Second Supplemental and Amended Complaint.

E. Respondent denies that Complainant is entitled to the relief requested in paragraph E of Count V of the Second Supplemental and Amended Complaint.

F. Respondent lacks sufficient information to determine whether the Complainant is entitled to the relief requested in paragraph F of Count V of the Second Supplemental and Amended Complaint.

## COUNT VI

1-5. Respondent restates its answers and incorporates by reference herein paragraphs 2 through 4 and paragraph 8 and paragraph 10 of its answer to Count I as paragraphs 1 through 5 of its answer to Count VI of the Second Supplemental and Amended Complaint.

6. Respondent admits the allegations contained in paragraph 6 of Count VI of the Second Supplemental and Amended Complaint.

7. Respondent admits the allegations contained in paragraph 7 of Count VI of the Second Supplemental and Amended Complaint.

8. Respondent admits the allegations contained in paragraph 8 of Count VI of the Second Supplemental and Amended Complaint.

9. Respondent admits the allegations contained in paragraph 9 of Count VI of the Second Supplemental and Amended Complaint.

10. Respondent admits the allegations contained in paragraph 10 of Count VI of the Second Supplemental and Amended Complaint.

11. Respondent admits the allegations contained in paragraph 11 of Count VI of the Second Supplemental and Amended Complaint and further states that wet scrubber system as originally designed was not able to achieve compliance. The adjustments to the wet scrubber system outlined in paragraph 11 were identified as being necessary for the wet scrubber system to

operate within performance parameters. Further, the relocating pH probe on June 30, 2003, was done during a test burn at which representatives of the Illinois Environmental Protection Agency were present. .

12. Respondent admits the allegations contained in paragraph 12 of Count VI of the Second Supplemental and Amended Complaint.

13. Respondent admits the allegations contained in paragraph 13 of Count VI of the Second Supplemental and Amended Complaint and further states that it believed that the construction permit issued on March 8, 2002, was the requisite permit. .

14. Respondent admits that upon being advised that its March 8, 2002, permit did not authorize construction of the wet scrubber system as modified, on September 18, 2003, Respondent applied for an amendment to its construction permit.

15. Paragraph 15 of Count VI of the Second Supplemental and Amended Complaint sets forth Complainant's conclusion of law, to which no answer is required, but to the extent that an answer is deemed required, Respondent denies the allegations.

The remainder of Count VI of the Complaint consists of the Complainant's prayer for relief to which no answer is required, however to the extent that it a response is deemed to be required, Respondent Answers as follows:

A. Respondent admits that Complainant is entitled to the relief requested in paragraph A of Count VI of the Second Supplemental and Amended Complaint.

B. Respondent denies that Complainant is entitled to the relief requested in paragraph A of Count VI of the Second Supplemental and Amended Complaint.

C. Respondent denies that Complainant is entitled to the relief requested in paragraph C of Count VI of the Second Supplemental and Amended Complaint.


D. Respondent denies that Complainant is entitled to the relief requested in paragraph D of Count VI of the Second Supplemental and Amended Complaint.

E. Respondent denies that Complainant is entitled to the relief requested in paragraph E of Count VI of the Second Supplemental and Amended Complaint.

F. Respondent lacks sufficient information to determine whether the Complainant is entitled to the relief requested in paragraph F of Count VI of the Second Supplemental and Amended Complaint.

PASSAVANT AREA HOSPITAL,  
an Illinois not-for-profit corporation,

RESPONDENT

BY:   
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