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AUG 17 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

THE VILLAGE OF LOMBARD, )  
ILLINOIS, an Illinois )  
municipality corporation, )  
 )  
Complainant, )  
 )  
v. )  
 )  
BILL'S AUTO CENTER, )  
BILL'S STANDARD SERVICE )  
and WILLIAM KOVAR, )  
 )  
Respondents. )

PCB No. 04-213  
(LUSTS - Cost Recovery)

**NOTICE OF FILING**

TO: Bill's Auto Center  
330 South Main Street  
Lombard, Illinois 60148

Bill's Standard Service  
c/o William Kovar  
330 South Main Street  
Lombard, Illinois 60148

William Kovar  
330 South Main Street  
Lombard, Illinois 60148

PLEASE TAKE NOTICE that today I filed with the Clerk of the Illinois Pollution Control Board a copy of the ANSWER TO RESPONDENTS' AFFIRMATIVE DEFENSES upon you, a copy of which is served on you along with this notice.

  
\_\_\_\_\_  
One of Complainant's Attorneys

Dennis G. Walsh  
Jacob Karaca  
KLEIN, THORPE AND JENKINS, LTD.  
20 North Wacker Drive, Suite 1660  
Chicago, Illinois 60606  
(312) 984-6400  
Atty. No. 90446

Dated: August 17, 2004

**PROOF OF SERVICE**

I, Jacob Karaca, an attorney, certify that I served this Notice of Filing and attachments, by mailing to persons on the Service List above, placed in envelopes, with proper postage pre-paid, addressed to said persons, and depositing the same in the U.S. Mail-chute at 20 North Wacker Drive, Chicago, Illinois, 60606-2903, at or before 5:00 p.m. on August 17, 2004.



Jacob Karaca

**AUG 17 2004**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD** STATE OF ILLINOIS  
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THE VILLAGE OF LOMBARD, )  
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 municipality corporation, )  
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 Respondents. )

PCB No. 04-213  
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**ANSWER TO RESPONDENTS' AFFIRMATIVE DEFENSES**

The Complainant, VILLAGE OF LOMBARD (the "Village"), by and through its attorneys, Klein, Thorpe and Jenkins, Ltd., answers the Respondents', BILL'S AUTO CENTER, BILL'S STANDARD SERVICE and WILLIAM KOVAR (collectively referred to hereinafter as the "Respondents"), Affirmative Defenses as follows:

**GENERAL OBJECTIONS**

All of Respondents' Affirmative Defenses contain legal conclusions instead of factual allegations, and, therefore, require no answer. To the extent any factual allegations are alleged, the Village denies the same.

**ANSWERS TO AFFIRMATIVE DEFENSES**

1. The alleged contamination, and any costs or damages incurred by complainant, were caused solely by the acts and/or omissions of a third party (or third parties) other than Respondents.

**ANSWER:** Denied.

2. Complainant's costs, if any, incurred in responding to the alleged contamination are excessive and not recoverable from Respondents.

ANSWER: Denied.

3. The alleged contamination is a preexisting condition for which Respondents are not responsible.

ANSWER: Denied.

4. Complainant suffered no losses or damages, and incurred no costs, that were proximately caused by Respondents.

ANSWER: Denied.

5. Complainant's claims are barred to the extent it has failed to mitigate its damages and costs.


ANSWER: Denied.

6. Respondents reserve their right to assert and rely upon other affirmative defenses which may become apparent during discovery of this case, and reserves its right to amend its answer to assert such further affirmative defenses.

ANSWER: Denied.

Respectfully submitted,

VILLAGE OF LOMBARD

By:   
One of Its Attorneys

Dennis G. Walsh  
Lance C. Malina  
Jacob H. Karaca

Klein, Thorpe and Jenkins, Ltd.  
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Dated: August 17, 2004