

Respondent's Affirmative Defenses Meet the Requirements of 735 ILCS 5/2-613.

Respondent's Affirmative Defenses are pled plainly enough so that unfair surprise will not result from the defenses at hearing.

The first Affirmative Defense—that Petitioner fails to state a cause of action—is *goes to the specific facts of this matter in that it fails to state the “events, nature, extent and strength of discharge or emissions and consequences alleged to constitute violations of the Act or regulations.”*

The second Affirmative Defense asserts that Respondent was prevented from compliance with the EPA due to various factors outside of Respondent's control, and what steps were taken to effect compliance with the Act. Again, these arguments go to the facts of the matter which will be specifically realized at hearing.

In conclusion, the Affirmative Defenses effectively put Petitioner on notice of the defenses which Respondent intends to argue at hearing.

WHEREFORE, for the foregoing reasons, Respondent, FIRST COUNTRY HOMES, LLC, respectfully requests that this Board enter an Order denying Petitioner's Motion to Dismiss Respondent's Affirmative Defenses, and for any other relief that this Board deems is just and proper.

Respectfully Submitted,

FIRST COUNTRY HOMES, LLC

BY:



One of Its Attorneys

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