



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 10-107
	)	
ROCKFORD SAND AND GRAVEL, INC., a	)	
division of Rockford Blacktop Construction Co.,	)	
and Illinois corporation,,	)	
	)	
Respondent.	)	

**RESPONSE TO COMPLAINANT'S MOTION TO STRIKE**

NOW COMES Respondent ROCKFORD SAND & GRAVEL, LLC, and for its Response to the Motion to Strike Affirmative Defenses filed by Complainant, State of Illinois, states as follows:

1. Complainant, State of Illinois, has filed a Complaint with this Board alleging violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2008) by Respondent, and seeking civil penalties.

2. The Respondent filed its Answer and Affirmative Defenses to the Complaint, to which the State responded with a Motion to Strike.

3. Upon review of the State's Motion to Strike and the arguments made therein, the Respondent has determined that it is appropriate to withdraw its previously filed Answer and Affirmative Defenses, and seek leave to replace the original Answer and Affirmative Defenses with an Amended Answer, a copy of which is submitted for filing concurrently herewith.

4. Withdrawal of the Respondent's Answer and Affirmative Defenses will effectively moot Complainant's Motion to Strike.

WHEREFORE, Respondent respectfully requests that the Board enter an order on the State's Motion to Strike:

1. allowing Respondent to withdraw its previously filed Answer and Affirmative Defenses, and
2. accepting for filing Respondent's concurrently submitted Amended Answer to replace and supersede the earlier-filed Answer and Affirmative Defenses.

Dated: October 15, 2010

Respectfully submitted,

On behalf of ROCKFORD SAND &  
GRAVEL, INC.

/s/ Nicola A. Nelson  
One of Its Attorneys

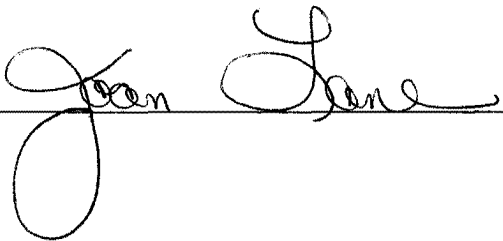
Charles F. Helsten  
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815-490-4900

**AFFIDAVIT OF SERVICE**

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on October 15, 2010, she caused to be served a copy of the foregoing upon:

Jennifer A. Van Wie Nancy Tikalsky Asst. Attorneys General Environmental Bureau 69 West Washington Street, Suite 1800 Chicago, IL 60602	Charles Gunnarson Division of Legal Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276
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by depositing a copy thereof, enclosed in an envelope in the United States Mail at Rockford, Illinois, proper postage prepaid, before the hour of 5:00 p.m., addressed as above.



A handwritten signature in cursive script, appearing to read "Joan Lane", is written over a horizontal line.

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