

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
 v.)
 WILLIAM CHARLES REAL ESTATE)
 INVESTMENT, LLC, an Illinois limited)
 liability company,)
 Respondent.)

PCB No. PCB 10-108

NOTICE OF FILING

TO: Jennifer A. Van Wie, Asst. Attorney General
Nancy Tikalsky, Asst. Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, IL 60602

Charles Gunnarson
Division of Legal Counsel, IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Please take notice that on October 15, 2010, the undersigned electronically filed the

Respondent's:

RESPONSE TO MOTION TO STRIKE

with the Illinois Pollution Control Board, 100 West Randolph Street, Chicago, Illinois 60601.

Dated: October 15, 2010

Respectfully submitted,

On behalf of the Respondent, William Charles
Real Estate Investment, LLC

/s/ Nicola A. Nelson
One of Its Attorneys

Charles F. Helsten
Nicola A. Nelson
Hinshaw & Culbertson LLP
100 Park Avenue, P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. PCB 10-108
)	
WILLIAM CHARLES REAL ESTATE)	
INVESTMENT, LLC, an Illinois limited)	
liability company,)	
)	
Respondent.)	

RESPONSE TO COMPLAINANT’S MOTION TO STRIKE

NOW COMES Respondent WILLIAM CHARLES REAL ESTATE INVESTMENT, 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 and Affirmative Defenses, 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 and Affirmative Defenses to replace and supersede the earlier-filed Answer and Affirmative Defenses.

Dated: October 15, 2010

Respectfully submitted,

On behalf of WILLIAM CHARLES REAL
ESTATE INVESTMENT, LLC

/s/ Nicola A. Nelson

One of Its Attorneys

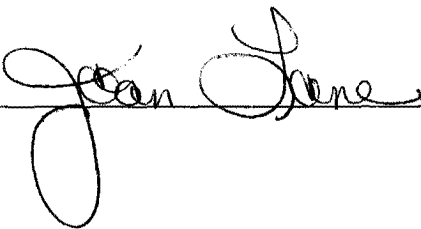
Charles F. Helsten
Nicola A. Nelson
Hinshaw & Culbertson LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900

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
--	--

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 "Jean Lane", is written over a horizontal line.

HINSHAW & CULBERTSON LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
(815) 490-4900