

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complaint,

vs.

**FIRST COUNTRY HOMES, L.L.C., an
Illinois Limited Liability Company,**

Respondent.

**PCB 06-173
(Enforcement—Water)**

NOTICE OF FILING

TO: Mr. Bradley P. Halloran Hearing Officer Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 West Randolph Street Chicago, Illinois 60601	Lisa Madigan Matthew Marinelli Attorney General of the State of Illinois Environmental Bureau 188 West Randolph Street, 20 th Floor Chicago, Illinois 60601
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PLEASE TAKE NOTICE that on the 27th day of October, 2006, we filed our **Response to Complainant's First Request for Admission of Facts to Respondent First Country Homes, LLC** in the above-captioned cause, a copy of which is hereby served upon you.

First Country Homes, LLC

By: 

One of Its Attorneys

Thomas G. Gardiner/Matthew A. Sidor
GARDINER KOCH & WEISBERG
53 W. Jackson Blvd., Suite 950
Chicago, Illinois 60604
Telephone 312.362.0000
Facsimile 312.362.0440

CERTIFICATE OF SERVICE

I, Louis Manetti, a non-attorney, do hereby affirm under oath that I served copies of the above-mentioned documents, by U.S. Mail, from 53 W. Jackson Blvd., Chicago, IL, to the attorneys for the aforementioned parties, before 6:00 pm on the 27th day of October, 2006.


Louis Manetti

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complaint,)	
)	
vs.)	
)	PCB 06-173
)	(Enforcement—Water)
FIRST COUNTRY HOMES, L.L.C., an)	
Illinois Limited Liability Company,)	
)	
Respondent.)	

**RESPONDENTS' RESPONSE TO COMPLAINANT'S FIRST REQUEST FOR
ADMISSION OF FACTS TO RESPONDENT FIRST COUNTRY HOMES, LLC**

Respondent, FIRST COUNTRY HOMES, LLC, an Illinois Limited Liability Company ("First Country"), by and through Gardiner Koch & Weisberg, its attorneys, for its response to Complainant's First Request for Admission of Facts to Respondent, hereby states as follows:

FACT NO. 1

Admit that First Country did not submit a check list to Illinois EPA for a permit review fee for a sewer construction permit application relating to the Phase 8 homes that First Country submitted on November 10, 2004.

RESPONSE:

Deny.

FACT NO. 2:

Admit that the sewer construction permit application relating to the Phase 8 homes that First Country submitted on November 10, 2004 was not signed by a wastewater and sewage treatment provider.

RESPONSE:

Admit.

FACT NO. 3:

Admit that the sewer construction permit application relating to the Phase 8 homes that First Country submitted to Illinois EPA on December 1, 2004 was not signed by a wastewater and sewage treatment provider.

RESPONSE:

Admit.

FACT NO.4:

Admit that First Country began attempting to sell one or more Phase 8 homes before November 10, 2004.

RESPONSE:

Respondent objects to Request to Admit Fact Number 4 as irrelevant.

FACT NO. 5:

Admit that First Country entered into a contract for sale of at least one of the Phase 8 homes before November 10, 2004.

RESPONSE:

Respondent objects to Request to Admit Fact Number 5 as irrelevant.

FACT NO. 6:

Admit that First Country attempted to sell one or more of the Phase 8 homes between November 10, 2004 and the date on which First Country received notice of Illinois EPA's denial of the construction permit application submitted by First Country on December 1, 2004.

RESPONSE:

Respondent objects to Request to Admit Fact Number 6 as irrelevant. Respondent further objects to Request to Admit Fact Number 6 as incomprehensible as to the phrase "attempted to sell." Without waiving the foregoing objections, Respondent

further affirmatively states that Respondent did not in fact sell one or more of the Phase 8 homes between November 10, 2004 and December 1, 2004.

FACT NO. 7:

Admit that First Country entered into a contract for sale of at least one of the Phase 8 homes between November 10, 2004 and the date on which First Country received notice of Illinois EPA's denial of the construction permit application submitted by First Country on December 1, 2004.

RESPONSE:

Respondent objects to Request to Admit Fact Number 7 as irrelevant.

FACT NO. 8:

Admit that First Country attempted to sell one or more of the Phase 8 homes between the date on which First Country received notice of Illinois EPA's denial of the construction permit application submitted by First Country on December 1, 2004 and December 28, 2004.

RESPONSE:

Respondent objects to Request to Admit Fact Number 8 as irrelevant. Respondent further objects to Request to Admit Fact Number 8 as incomprehensible as to the phrase "attempted to sell." Without waiving the foregoing objections, Respondent further affirmatively states that Respondent did not in fact sell one or more of the Phase 8 homes between December 1, 2004 and December 28, 2004.

FACT NO. 9:

Admit that First Country entered into a contract for sale of at least one of the Phase 8 homes between the date on which First Country received notice of the Illinois EPA's denial of the construction permit application submitted by First Country on December 1, 2004 and December 28, 2004.

RESPONSE:

Respondent objects to Request to Admit Fact Number 9 as irrelevant.

FACT NO. 10:

Admit that First Country attempted to sell one or more of the Phase 8 homes between December 28, 2004 and June 8, 2004.

RESPONSE:

Respondent objects to Request to Admit Fact Number 10 as irrelevant. Respondent further objects to Request to Admit Fact Number 10 as incomprehensible as to the phrase "attempted to sell." Without waiving the foregoing objections, Respondent further affirmatively states that Respondent did not sell one or more of the Phase 8 homes between December 28, 2004 and June 8, 2004.

FACT NO. 11:

Admit that First Country sold at least one of the Phase 8 homes between December 28, 2004 and June 8, 2005.

RESPONSE:

Admit.

FACT NO. 12:

Admit that at least one of the Phase 8 homes was connected to the sewer system prior to June 8, 2005.

RESPONSE:

Respondent objects to Request to Admit Fact Number 12 as incomprehensible as to the term "connected." Without waiving the foregoing objections, Respondent further affirmatively states that the earliest that the homes were connected to the sewer system and useable was July 8, 2005.

FACT NO. 13:

Admit that wastewater or effluent from at least one of the Phase 8 homes was discharged into the attached sewer system before the date on which possession was granted to the first Phase 8 home buyer.

RESPONSE:

Deny.

FACT NO. 14:

Admit that wastewater or effluent from at least one of the Phase 8 homes was discharged into the attached sewer system before June 8, 2005.

RESPONSE:

Deny.

FIRST COUNTRY HOMES, L.L.C.

By: 

One of Its Attorneys

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Atty. No. 29637

DCT-27-2006 12:10PM FROM-

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**CERTIFICATION PURSUANT TO SECTION 1-109
OF THE ILLINOIS CODE OF CIVIL PROCEDURE**

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters, the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

FIRST COUNTRY HOMES, LLC

By: 

Its President ~~MANAGER~~