

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

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| THE PEOPLE OF THE STATE OF |) | |
| ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | No. PCB 07-13 |
| v. |) | |
| |) | |
| RAY F. LANDERS, individually, and |) | |
| EQUIPPING THE SAINTS MINISTRY, |) | |
| INTERNATIONAL, INC., an Illinois |) | |
| not-for-profit corporation, |) | |
| |) | |
| Respondents. |) | |

RESPONSE TO REQUEST FOR ADMISSION OF FACTS AND FOR GENUINENESS OF DOCUMENTS

NOW COMES, RAY F. LANDERS, individually and EQUIPPING THE SAINTS MINISTRY, INTERNATIONAL, INC., an Illinois not-for-profit Corporation, Respondents, respectfully states the following:

1. EQUIPPING THE SAINTS MINISTRY INTERNATIONAL, INC., represented itself as an Illinois not-for-profit corporation in good standing at the time of the allegations involved in this complaint.

ANSWER:

Respondents states that there was approximately a three year period in which they were not in good standing.

2. ESMI is currently in good standing.

ANSWER:

Respondents admit the allegations in Paragraph 2 of the Request for Admission of Fact and Genuineness of Documents.

3. RAY F. LANDERS is a person affiliated with ESMI.

ANSWER:

Respondents admit the allegations in Paragraph 3 of the Request for Admission of Fact and Genuineness of Documents.

4. Ray Landers resides at 5000 Dickey John Road, Auburn, Sangamon County, Illinois.

ANSWER:

Respondents admit the allegations in Paragraph 4 of the Request for Admission of Facts and Genuineness of Documents.

5. During the time of the violations alleged in the complaint, ESMI was the owner of a building formerly known as the Auburn Bowling Alley located at 1229 West Jackson Street in Auburn, Sangamon County, Illinois.

ANSWER:

Respondents admit the allegations in Paragraph 5 of the Request for Admission of Facts and Genuineness of Documents.

6. On a date prior to January 20, 2005, the Respondents commenced demolition activities at the building at 1229 West Jackson Street in Auburn, Illinois.

ANSWER:

Respondents deny the allegations in Paragraph 6 of the Request for Admission of Facts and Genuineness of Documents.

7. The Respondents' activities at the time at the site included removal of concrete blocks from the south and west exterior walls of the building.

ANSWER:

Respondents admit the allegations in Paragraph 7 of the Request for Admission of Facts and Genuineness of Documents.

8. By January 20, 2005, post jacks had been installed to replace load-supporting structural members and prevent collapse of the roof.

ANSWER:

Respondent states post jacks were installed to protect the roof from falling, but denies that there were installed to replace load-support structural members.

9. ESMI did not file a written NESHAP notification with the Illinois Environmental Protection Agency prior to the commencement of demolition activities at the site.

ANSWER:

Respondents admit the allegations in Paragraph 9 of the Request for Admission of Facts and Genuineness of Documents.

10. Ray Landers did not file a written NESHAP notification with the Illinois Environmental Protection Agency prior to the commencement of demolition activities at the site.

ANSWER:

Respondents deny the allegations in Paragraph 9 of the Request for Admission of Facts and Genuineness of Documents.

11. No representative of ESMI or Ray Landers provided a written NESHAP notification to the Illinois Environmental Protection Agency prior to the commencement of demolition activities at the site.

ANSWER:

Respondents admit the allegations in Paragraph 11 of the Request for Admission of Facts and Genuineness of Documents.

12. ESMI did not pay the required \$300.00 asbestos fee with its NESHAP notification of demolition and renovation.

ANSWER:

Respondents admit the allegations in Paragraph 12 of the Request for Admission of Facts and Genuineness of Documents.

13. Ray Landers did not pay the required \$300.00 asbestos fee with its NESHAP notification of demolition and renovation.

ANSWER:

Respondents admit the allegations in Paragraph 13 of the Request for Admission of Facts and Genuineness of Documents.

14. No representative of ESMI or Ray Landers provided the required \$300.00 asbestos fee with its NESHAP notification of demolition and renovation.

ANSWER:

Respondents admit the allegations in Paragraph 14 of the Request for Admission of Facts and Genuineness of Documents.

15. To date, the Illinois Environmental Protection Agency has not received a NESHAP notice from ESMI or Ray Landers or any representative of ESMI or Ray Landers for the subject property, 1229 West Jackson, Sangamon County, Auburn, Illinois (the former bowling alley).

ANSWER:

Respondents admit the allegations in Paragraph 15 of the Request for Admission of Facts and Genuineness of Documents.

16. To date, the Illinois Environmental Protection Agency has not received the \$300.00 NESHAP fee from ESMI or Ray Landers or any representative of ESMI or Ray Landers for the subject property.

ANSWER:

Respondents admit the allegations in Paragraph 16 of the Request for Admission of Facts and Genuineness of Documents.

17. Exhibit A shows the building and site as it existed on December 10, 2004.

ANSWER:

Respondents admit the allegations in Paragraph 17 of the Request for Admission of Facts and Genuineness of Documents.

18. Exhibit B shows the building and site as it existed on January 20, 2005.

ANSWER:

Respondents admit the allegations in Paragraph 18 of the Request for Admission of Facts and Genuineness of Documents.

19. Exhibit C shows the building and site as it existed on January 20, 2005.

ANSWER:

Respondents admit the allegations in Paragraph 19 of the Request for Admission of Facts and Genuineness of Documents.

20. Exhibit D shows the building and site as it existed on January 20, 2005.

ANSWER:

Respondents admit the allegations in Paragraph 20 of the Request for Admission of Facts and Genuineness of Documents.

21. Exhibit E shows the building and site as it existed on January 20, 2005.

ANSWER:

Respondents admit the allegations in Paragraph 21 of the Request for Admission of Facts and Genuineness of Documents.

22. Exhibit F shows the building and site as it existed on January 20, 2005.

ANSWER:

Respondents admit the allegations in Paragraph 22 of the Request for Admission of Facts and Genuineness of Documents.

23. Exhibit G shows the building and site as it existed on January 20, 2005.

ANSWER:

Respondents admit the allegations in Paragraph 23 of the Request for Admission of Facts and Genuineness of Documents.

RAY F. LANDERS, et al., Defendants

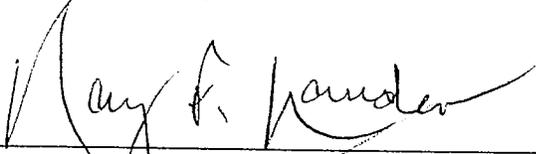
BY: 
One of Their Attorneys

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AFFIDAVIT OF COMPLIANCE

STATE OF ILLINOIS)
) SS
COUNTY OF MACOUPIN)

RAY F. LANDERS, being first duly sworn on oath, deposes and states that he is the Plaintiff in the above-captioned cause; that he has read the foregoing document, and the responses made herein are true, correct and complete to the best of his knowledge and belief.



RAY F. LANDERS

SUBSCRIBED and SWORN to before me this 11 day of April, 2008.





Notary Public

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing was served upon the following by enclosing the same in an envelope addressed as follows:

Ms. J. L. Homan
Assistant Attorney General
500 South Second Street
Springfield, IL 62706

Said envelope, addressed as set out above, containing a copy of the foregoing instrument, was deposited in a United States Post Office receptacle in the City of Carlinville, Illinois, with postage fully prepaid, on the 15 day of April, 2008.

