

COSTELLO LAW OFFICE

MICHAEL J. COSTELLO
820 South Second Street
First Floor
Springfield, Illinois 62704

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FEB 11 2010
STATE OF ILLINOIS
Pollution Control Board

Telephone: (217) 544-5500

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February 8, 2010

 ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD

James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 61794-9276

In Re.: EPA v. Landers' Children Family, LLC
Case No. AC 10-12 
(IEPA No. 336-09-AC)

Dear Gentlemen:

Enclosed is a Petition For Review, a Notice of Filing, Certificate of Service,
Notice of Appearance, and a check for the filing fee of \$75.00 .

Very Truly Yours,


Michael J. Costello

MJC/bmws
Enclosures
cc: Landers Family Children, LLC
Attorney General

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
Complainant,)
v.)
LANDERS' CHILDREN FAMILY, LLC)
Respondent.)

No: AC 10-12
(IEPA No. 336-09-AC)

ORIGINAL

PETITION FOR REVIEW

NOW COMES the Respondent, the LANDERS' CHILDREN FAMILY, LLC, by and through its counsel, Michael J. Costello, and for its Petition For Review, respectfully states as follows:

JURISDICTION

1. The Respondent admits the facts of the jurisdiction of the Illinois Environmental Protection Agency.

FACTS

1. The Respondent admits the facts of Paragraph 1.
2. The Respondent denies that the facility is an open dump without an Illinois Environmental Protection Agency operating permit, and therefore put the Complainant upon its strict proof.

3. The Respondent admits that it has owned said facility at all times pertinent, but denies that it was operated as an open dump and therefore, puts the Complainant on its strict proof.

4. Upon information and belief, the Respondent admits the allegations of Paragraphs 4 and 5.

VIOLATIONS

The Respondent denies it has violated the ILLINOIS PROTECTION ACT in the following particulars:

(1). Respondent denies that it has allowed open dumping in violation of the ACT as alleged in Paragraph 1 and therefore puts the Complainant upon its strict proof.

(2). Respondent denies that it has allowed open dumping of waste as and therefore puts the Complainant upon its strict proof

(3). The Respondent denies the allegation of Paragraph 3 and therefore puts the Complainant on its strict proof.

DEFENSES

(1) The Respondent alleges the condition of the property resulted from uncontrollable circumstances which were not by the Respondent, and therefore the Respondent did not commit any violation of the ILLINOIS ENVIRONMENTAL PROTECTION ACT.

(2).The Respondent alleges that it did not cause or allow the violations to take place upon the property. The Respondent raises each and every defense that Respondent is entitled to by the ILLINOIS PROTECTION ACT and legal authorities made so and provided.

CIVIL PENALTY

The Respondent admits the allegations of the Civil Penalty.

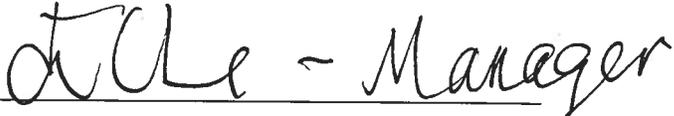
LANDERS' CHILDREN FAMILY, LLC

By 
Michael J. Costello

Michael J. Costello
Attorney at Law
820 South Second Street
First Floor
Springfield, Illinois 62704
Telephone: (217) 544-5500
ARDC No.: 0522627

VERIFICATION

The undersigned does hereby certify that the foregoing document was served on the following by enclosing same in an envelope addressed as shown and by depositing said envelope in the United States Mail in Springfield, Illinois on this ____ day of February, 2010.



JENNIFER R. CHANCE, Manager

Michael J. Costello
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)
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v.)
)
LANDERS' CHILDREN FAMILY, LLC,)
)
Respondent.)

No: AC 10-12
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NOTICE OF FILING

Michael J. Costello hereby enters his appearance as counsel for the Respondent
LANDERS' CHILDREN FAMILY, LLC.

LANDERS' CHILDREN FAMILY, LLC

By Michael J. Costello
Michael J. Costello

Michael J. Costello
Attorney at Law
820 South Second Street
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Springfield, Illinois 62704
Telephone: (217) 544-5500
ARDC No.: 0522627

CERTIFICATE OF SERVICE

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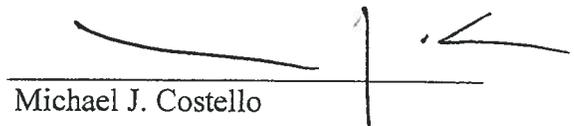
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
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Michelle M. Ryan
Assistant Counsel
Division of Legal Counsel
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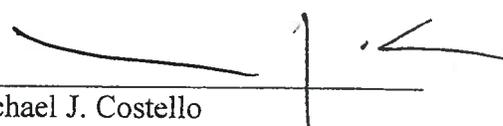
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