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DEC 13 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF)
ILLINOIS,)

Complainant,)

Vs.)

JAMES ZELLER, THOMAS ZELLER,)
And MATTHEW SHORT,)

Respondents.)

PCB No. 05-99
(Enforcement)

ANSWER TO COMPLAINT

NOW COMES the Respondent, JAMES ZELLER, by and through his attorney
Armstrong & Green and with respect to the Complaint of the Illinois Environmental
Protection Agency states as follows:

COUNT 1

1. ADMIT
2. ADMIT
3. DENY
4. DENY
5. ADMIT
6. ADMIT
7. DENY
8. This Respondent admits that on or before April 2, 2003, Mathew Short's
business employed heavy equipment to demolish the building and to remove
siding from the building. As to the remaining portions of paragraph eight (8)
this Respondent does not know and can neither admit nor deny.
9. This Respondent admits that Mathew Short's business ceased demolition
activities on an actual date unknown to this Respondent. That Thomas Zeller

resumed demolition activities and Thomas Zeller's business employed heavy equipment to demolish the building and to remove the siding from the building.

10. ADMIT, except this Respondent neither can admit nor deny whether the EPA attempted to contact him specifically as he has no knowledge of same.
11. ADMIT
12. ADMIT
13. DENY, while this Respondent admits the allegations containing these statements with respect to the Statutory Regulations with respect to National Emissions Standards for Hazardous Air-Pollutants, but also states that the asbestos located on the alleged property was non-friable at the time that it was attached to the building in question.
14. As to the remaining portions of paragraph fourteen (14) this Respondent admits.
15. Subparts A and B: ADMIT
16. DENY
17. This Respondent can neither admit nor deny for want of knowledge.
18. This paragraph is a conclusion with respect to a statutory requirement of notification. In response to this paragraph this Respondent states that he is not an operator or owner of demolition as defined by the Statutes, and as such denies the implacability of paragraph eighteen (18) as to him.

WHEREFORE this Respondent respectfully pray that the matter be dismissed.

COUNT 2

- 1-16 This Respondent repeats and re-alleges his response to paragraphs one (1) through sixteen (16) of COUNT 1 as and for his response to paragraphs one (1) through sixteen (16) of COUNT 2.


17. This Respondent can neither admit nor deny this allegation for want of knowledge.

18. This Respondent does not respond to paragraph eighteen (18), as there is no paragraph eighteen (18) of COUNT 2 but the COUNT proceeds to paragraph nineteen (19).

19-21 It isn't clear to this Respondent as to whether this COUNT is directed to him, but as such states that he has no knowledge with respect to these paragraphs specifically and can neither admit nor deny them.

To the extent that this COUNT seeks any relief against James Zeller, individually states that this COUNT should not be directed toward him and respectfully pray that this COUNT be dismissed as to him.

Respectfully Submitted,
James Zeller, Respondent

By: 
Stephen R. Green

The Law Offices of
Armstrong & Green
400 N. Market Street
P.O. Box 1087
Marion, IL 62959
(618) 993-6072
Stephen R. Green #6201256

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ENTRY OF APPEARANCE

NOW COMES Stephen R. Green of Armstrong & Green and enters his appearance as
counsel for a Respondent, JAMES ZELLER.

Respectfully submitted,

ARMSTRONG & GREEN

By: 

Stephen R. Green

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ARMSTRONG & GREEN
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CERTIFICATE OF SERVICE

Under penalties provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that a copy of the ENTRY OF APPEARANCE, CERTIFICATE OF SERVICE, and ANSWER TO COMPLAIN was served upon each party, or attorney of record, by enclosing the document in an envelope addressed to each party at the address stated below, with postage fully prepaid and by depositing said envelope in a U.S. Post Office mail box in Marion, Illinois, prior to 5:00 p.m. on December 9, 2004.

Brian Lewis
411 1/2N. Court Street
Marion IL 62959

Maria Hafford
Marion, IL 62959
Claim representative
State Farm Insurance Co.
P.O. Box 970

Randy Patchett
Patchett Law Firm
104 West Calvert
P.O. Box 1176
Marion, IL 62959

By 
Stephen R. Green

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STATE OF ILLINOIS
Pollution Control Board

STEPHEN R. GREEN

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December 9, 2004

The Honorable Dorothy Gunn
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, IL 60601

Re: People v. James Zeller, et al
PCB No. 05-99

Dear Clerk Gunn:

Enclosed please find an original and copy of an ENTRY OF APPEARANCE and ANSWER TO COMPLAINT in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents to our office in the enclosed self-addressed stamped envelope.

Thanking you, I remain,

Very truly yours,

ARMSTRONG & GREEN

By: 

Stephen R. Green

SRG/eam

CC: Raymond Callery

Brian D. Lewis

Randy Patchett

Maria Hafford

encl.