

ILLINOIS POLLUTION CONTROL BOARD

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AUG 31 2010

STATE OF ILLINOIS
Pollution Control Board

THE PEOPLE OF THE STATE OF)
 ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 RAY F. LANDERS, individually, and)
 EQUIPPING THE SAINTS MINISTRY,)
 INTERNATIONAL, INC., an Illinois)
 not-for-profit corporation,)
)
 Respondent.)

No. PCB No. 07-13
(Enforcement)

ORIGINAL

ANSWER TO MOTION FOR SUMMARY JUDGMENT

NOW COMES, Respondent, RAY F. LANDERS, by and through his attorneys, Brandenburg-Rees & Rees, and for his Answer to Motion for Summary Judgment, respectfully states as follows:


1. Respondent denies the allegations contained in Paragraph 1 of the Motion for Summary Judgment.
2. Respondent admits the allegations contained in Paragraph 2 of the Motion for Summary Judgment.
3. Respondent admits the allegations contained in Paragraph 3 of the Motion for Summary Judgment.
4. Respondent denies the allegations contained in Paragraph 4 of the Motion for Summary Judgment.
5. Respondent neither admits nor denies the allegations contained in Paragraph 5 (b) of the Motion for Summary Judgment.

6. Respondent denies the allegations contained in Paragraph 6 of the Motion for Summary Judgment.

7. Respondent denies the allegations contained in Paragraph 7 of the Motion for Summary Judgment. Defendant, Ray F. Landers, attaches hereto an Affidavit which is incorporated herein.

WHEREFORE, Respondent, RAY F. LANDERS, requests the Court to dismiss the Motion for Summary Judgment and for such other and further relief as this Court deems just and equitable.

RAY F. LANDERS, Respondent

BY: 
One of His Attorneys

EDMOND H. REES
Reg. No. 02301008
BRANDENBURG-REES & REES
Attorneys at Law
128 South Broad Street
Post Office Box 556
Carlinville, IL 62626-0556
217-854-2602

AFFIDAVIT

STATE OF ILLINOIS)
) SS
COUNTY OF MACOUPIN)

NOW COMES, RAY F. LANDERS, being duly sworn on oath,
deposes and makes known the following:

1. That Ray F. Landers is an adult individual living at
5000 Dickey John Road, Auburn, Illinois, 62615

2. That your affiant does not own the real estate nor has
ever owned the real estate, which is the subject matter of this
enforcement action.

3. That your affiant believes that he never became liable
to file a written NESHAP notification and/or submit any
attendant fees pertaining to the real estate, which is the
subject of this enforcement action.

4. That your affiant was never the operator of any
endeavor that took place on the real estate, which is the
subject matter of this enforcement action.

5. That your affiant never made decision nor oversaw any
of the activities of the real estate, which is the subject
matter of this enforcement action.

6. That your affiant was never the owner/operator of the
real estate or any of the actions taken place on the real
estate, which is the subject matter of this enforcement action.

Further affiant sayeth not.



RAY F. LANDERS

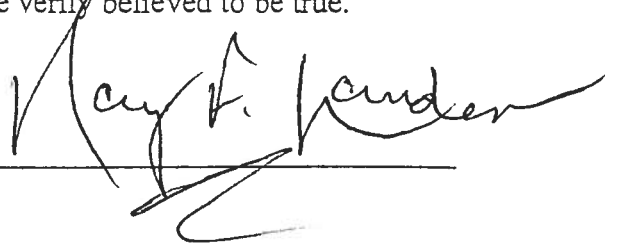
SUBSCRIBED and SWORN to before me this 26th day of
August, 2010.



Notary Public

VERIFICATION

Under penalties of perjury as provided by law pursuant to Chapter 1-109 of the Code of Civil Procedure, the undersigned certifies that 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 same are verily believed to be true.



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STATE OF ILLINOIS
Pollution Control Board

PROOF 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
Environmental Bureau
500 South Second Street
Springfield, IL 62706

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

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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 26 day of August, 2010.

Edmond Y. Pea

BRANDENBURG-REES & REES
ATTORNEYS AT LAW

August 26, 2010

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

EDMOND H. REES
JACQUELINE BRANDENBURG-REES
JAMES C. BRANDENBURG

TERRANCE S. LEEDERS
SEAN CHAUDHURI
OF COUNSEL

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STATE OF ILLINOIS
Pollution Control Board

RE: **People v. Landers et al.**
PCB No. 07-13 (Enforcement)

ORIGINAL

Dear Ms. Webb:

Enclosed please find an original and one copy of Answer to Motion for Summary Judgment. Please file these documents and return a file-stamped copy of the same in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter.

Very truly yours,



Edmond H. Rees

EHR/cb

Enclosures

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