

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PEOPLE OF THE STATE OF ILLINOIS,)

JAN 18 2005

Complainant,)

STATE OF ILLINOIS
Pollution Control Board

v.)

PCB NO.: 05-99

(Enforcement)

JAMES ZELLER, THOMAS ZELLER,)

and MATTHEW SHORT,)

Respondents.)

NOTICE OF FILING

TO: Lisa Madigan
Office of the Attorney General
State of Illinois
500 South Second Street
Springfield, IL 62706

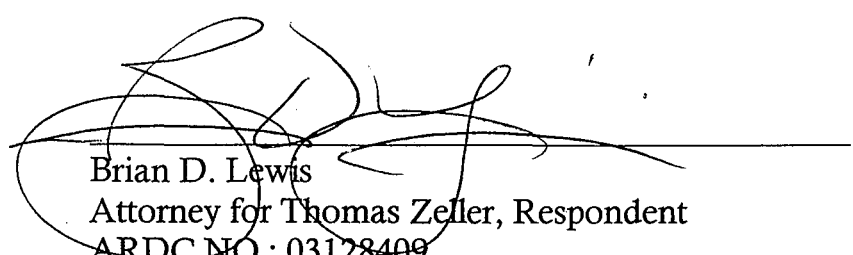
Matthew J. Dunn/Raymond Callery
Environmental Enforcement/Asbestos
Litigation Division
500 South Second Street
Springfield, IL 62706

Stephen R. Green
Armstrong & Green
P.O. Box 1087
Marion, IL 62959

Randy Patchett
Patchett Law Office
P.O. Box 1176
Marion, IL 62959

PLEASE TAKE NOTICE that on this date I have mailed for filing with the
Clerk of the Illinois Pollution Control Board of the State of Illinois, an Answer, a
copy of which is attached hereto and herewith served upon you.

THOMAS ZELLER, Respondent


Brian D. Lewis
Attorney for Thomas Zeller, Respondent
ARDC NO.: 03128409

BRIAN D. LEWIS
Attorney at Law
411 ½ N. Court Street
Marion, IL 62959
618/997-6211; Fax No.: 618/997-6510

CERTIFICATE OF MAILING

I, the undersigned, do hereby certify that I mailed a copy of the above and foregoing instrument by depositing the same in a U.S. Post Office Box in the City of Marion, Illinois.

Postage fully prepaid and addressed to:

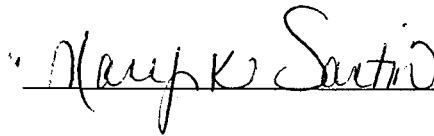
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Patchett Law Office
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Dated this 11th day of January, 2005.



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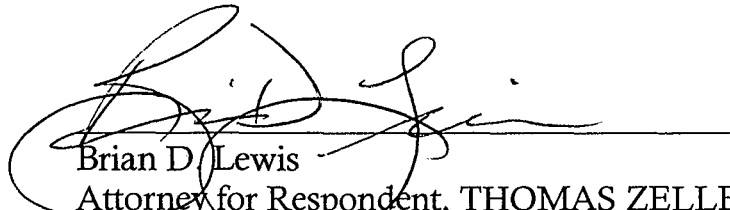
JAMES ZELLER, THOMAS ZELLER,)
and MATTHEW SHORT,)

Respondents.)

ENTRY OF APPEARANCE

NOW COMES BRIAN D. LEWIS, and hereby enters his appearance on
behalf of the Respondent, THOMAS ZELLER, and requests that all further
pleadings and/or notices be forwarded to this office.

Respectfully submitted,


Brian D. Lewis
Attorney for Respondent, THOMAS ZELLER
ARDC NO.: 03128409

BRIAN D. LEWIS
Attorney at Law
411 ½ N. Court Street
Marion, IL 62959
618/997-6211
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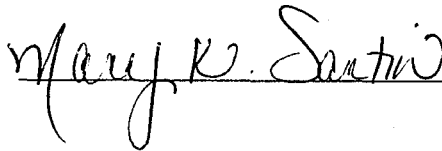
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contained in paragraph five (5) of the Complaint previously filed herein.

6. The Respondent, THOMAS ZELLER, hereby ADMITS the allegations contained in paragraph six (6) of the Complaint previously filed herein.

7. The Respondent, THOMAS ZELLER, hereby ADMITS the allegations contained in paragraph seven (7) of the Complaint previously filed herein.

8. The Respondent, THOMAS ZELLER, neither ADMITS or DENIES the allegations contained in paragraph eight (8), as he does not have sufficient information to either ADMIT or DENY but demands strict proof thereof.

9. The Respondent, THOMAS ZELLER, hereby DENIES the allegations contained in paragraph eight (8) of the Complaint previously filed herein.

10. The Respondent, THOMAS ZELLER, neither ADMITS or DENIES the allegations contained in paragraph ten (10), as he does not have sufficient information to either ADMIT or DENY but demands strict proof thereof.

11. The Respondent, THOMAS ZELLER, neither ADMITS or DENIES the allegations contained in paragraph eleven (11), as he does not have sufficient information to either ADMIT or DENY but demands strict proof thereof.

12. The Respondent, THOMAS ZELLER, neither ADMITS the allegations contained in paragraph twelve (12) of the Complaint previously filed herein.

13. The Respondent, THOMAS ZELLER, hereby ADMITS the allegations contained in paragraph thirteen (13) of the Complaint previously filed herein.

14. The Respondent, THOMAS ZELLER, hereby ADMITS the allegations contained in paragraph fourteen (14) of the Complaint previously filed herein.

15. The Respondent, THOMAS ZELLER, hereby ADMITS the allegations contained in paragraph fifteen (15) of the Complaint previously filed herein.

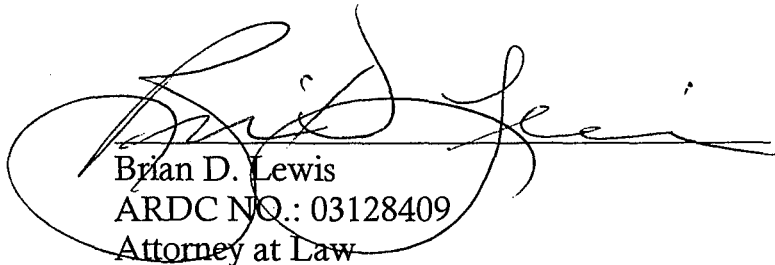
16. The Respondent, THOMAS ZELLER, hereby ADMITS the allegations contained in paragraph sixteen (16) of the Complaint previously filed herein.

17. As the allegations refer to Respondent, THOMAS ZELLER, in paragraph seventeen (17) of the Complaint previously filed herein, the Respondent, THOMAS ZELLER, hereby DENIES the allegations contained therein.

18. The Respondent, THOMAS ZELLER, hereby DENIES that he is required to provide the notification referred to under the codes and statutes referred to therein in paragraph eighteen (18) of the Complaint previously filed herein.

WHEREFORE, the Respondent, THOMAS ZELLER, respectfully requests that this Board deny the relief requested in Count I of the Complaint previously filed herein and for such other and further relief as the Board deems equitable and just.

TOM ZELLER, Respondent



Brian D. Lewis
ARDC NO.: 03128409
Attorney at Law

COUNT II

NOW COMES the Respondent, THOMAS ZELLER, by and through his counsel, BRIAN D. LEWIS, and for his Answer to Count II of the Complaint previously filed herein, hereby states as follows:

1-16. The Respondent, THOMAS ZELLER, hereby repeats and realleges his answers to allegations contained in paragraph one through sixteen (1-16).

17. The Respondent, THOMAS ZELLER, neither ADMITS or DENIES the allegations contained in paragraph seventeen (17) of Count II of the Complaint previously filed herein, as he does not have sufficient information to either ADMIT or DENY but demands strict proof thereof.

18. There is no paragraph eighteen (18) in Count II of the Complaint previously filed herein.

19. The Respondent, THOMAS ZELLER, hereby ADMITS the allegations contained in paragraph eighteen (18) of Count II of the Complaint previously filed herein.

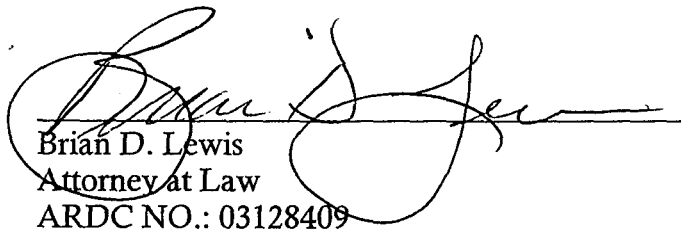
20. The Respondent, THOMAS ZELLER, DENIES the allegations of paragraph twenty (20) of Count II of the Complaint previously filed herein, as such allegations are alleged against him.

21. The Respondent, THOMAS ZELLER, DENIES the allegations of paragraph twenty-one (21) of Count II of the Complaint previously filed herein, as

such allegations are alleged against him.

WHEREFORE, the Respondent, THOMAS ZELLER, respectfully requests that this Board deny the relief requested in Count II of the Complaint previously filed herein and for such other and further relief as the Board deems equitable and just.

THOMAS ZELLER, Respondent



Brian D. Lewis
Attorney at Law
ARDC NO.: 03128409

BRIAN D. LEWIS
Attorney at Law
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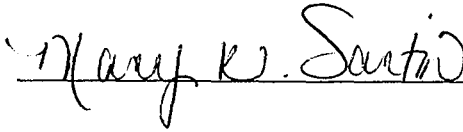
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