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AUG 24 2006

STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 22, 2006

PLB07-13

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

Re: ***People v. Ray F. Landers, et al.***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a Notice of Filing, Entry of Appearance and Complaint in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. L. Homan", with a long horizontal flourish extending to the right.

J. L. Homan
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

JLH/pp
Enclosures

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2004), to correct the pollution alleged in the Complaint filed in this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 

J. L. HOMAN
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: August 22, 2006

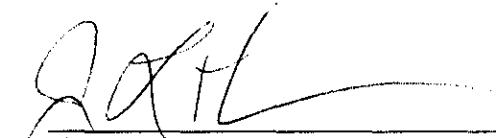
CERTIFICATE OF SERVICE

I hereby certify that I did on August 22, 2006, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, APPEARANCE and COMPLAINT

To: Ray F. Landers Equipping the Saints Ministry, International
5000 Dickey John Road c/o Billie Landers
Auburn, IL 62615 5000 Dickey John Road
Auburn, IL 62615

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601



J. L. HOMAN
Assistant Attorney General

This filing is submitted on recycled paper.

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

PCB No. 01-13
(Enforcement)

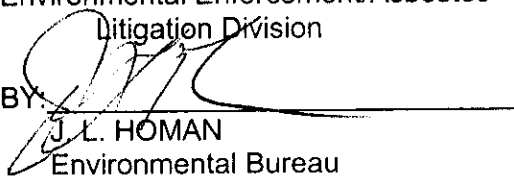
ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, J. L. HOMAN, Assistant Attorney General of the State of Illinois, hereby enters her appearance as attorney of record.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
J. L. HOMAN
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: August 22, 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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AUG 24 2006

STATE OF ILLINOIS
Pollution Control Board

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

07-13
 No. PCB 06-
 (Enforcement-Air)

COMPLAINT

The PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of the Respondents, RAY F. LANDERS, and EQUIPPING THE SAINTS MINISTRY, INTERNATIONAL, INC., as follows:

COUNT I
NOTIFICATION VIOLATIONS

1. This count is brought on behalf of the People of the State of Illinois, by Lisa Madigan, the Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to Section 31 of the Illinois Environmental Protection Act ("the Act"), 415 ILCS 5/31 (2004).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2004), and charged, *inter alia*, with the duty of enforcing the Act.

3. EQUIPPING THE SAINTS MINISTRY INTERNATIONAL, INC. ("ESMI"), is

an Illinois not-for-profit corporation in good standing and, at the time of the violations alleged herein, was the owner of a building formerly known as the Auburn Bowling Alley located at 1229 West Jackson Street in Auburn, Sangamon County, Illinois. The registered agent for ESMI is Billie Landers, 5000 Dickey John Road, Auburn, Illinois 62615. RAY F. LANDERS is a person affiliated with ESMI.

4. Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2004) provides as follows:

No person shall:

- (1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto;

5. The regulations on National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for asbestos, 40 CFR Part 61, Subpart M, were adopted pursuant to Section 112 of the Clean Air Act, 42 USC §7412. Asbestos is regulated as a hazardous air pollutant because it is a carcinogen. Regulated asbestos-containing materials (“RACM”) contain more than one percent asbestos and are generally “friable,” which means such materials, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

6. 40 CFR §61.145 provides in pertinent part as follows:

Standard for demolition and renovation.

- (a) *Applicability.* To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

* * *

(2) In a facility being demolished, only the notification requirements of paragraphs (b)(1), (2), (3)(i) and (iv), and (4)(i) through (vii) and (4)(ix) and (xvi) of this section apply, if the combined amount of RACM is

(i) Less than 80 linear meters (260 linear feet) on pipes and less than 15 square meters (160 square feet) on other facility components, and

(ii) Less than one cubic meter (35 cubic feet) off facility components where the length or area could not be measured previously or there is no asbestos.

* * *

b) *Notification requirements.* Each owner or operator of a demolition or renovation activity to which this section applies shall:

(1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

* * *

7. 40 CFR §61.141 provides the following pertinent definitions:

Demolition means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

Facility means any institutional, commercial, public, industrial, or residential structure, installation, or building

Owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Structural member means any load-supporting member of a facility, such as beams and load supporting walls; or any nonload-supporting member, such as ceilings and nonload-supporting walls.

8. On a date prior to January 14, 2005, and better known to the Respondents, the

Respondents commenced demolition activities at the building at 1229 West Jackson Street in Auburn, including the removal of concrete blocks from the south and west exterior walls of the building. By January 20, 2005, post jacks had been installed to replace the load-supporting structural members and to prevent roof collapse.

9. The building at 1229 West Jackson Street in Auburn is a “facility” as this term is defined at 40 CFR §61.141.

10. The activities occurring in January 2004 at the facility constituted a “demolition” as this term is defined at 40 CFR §61.141.

11. ESMI and Landers are each an “owner” or “operator” of a demolition activity as these terms are defined at 40 CFR §61.141.

12. The owner and operator of a demolition activity are required by 40 CFR §61.145(b)(2) to provide to the Illinois EPA notification of a demolition activity at least 10 working days prior to commencing such activity. The Respondents did not provide written notification to the Illinois EPA prior to the commencement of demolition activities at the facility, thereby violating 40 CFR §61.145 and Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2004).

13. Since Landers has been previously adjudicated in violation of the Act, these presently alleged violations constitute repeated violations pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), and Complainant is thereby authorized to seek attorney's fees and costs.

PRAYER FOR RELIEF

WHEREFORE, the Complainant, the People of the State of Illinois, respectfully requests that the Board grant the following relief:

A. Authorize a hearing be held in this matter at which time Respondents be required to answer the allegations herein;

B. After due consideration of all statements, testimony, and argument that shall be submitted at said hearing, or upon default by the Respondents, issue a final order finding Respondents to have violated the Act and regulations as alleged herein, and directing the Respondents to cease and desist from further violations;

C. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2004), impose upon Respondents a monetary penalty of not more than the statutory maximum;

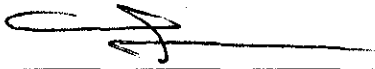
D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2004), award Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and

E. Grant such other relief as the Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:
JAVONNA HOMAN
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 8/22/06