

RECEIVED
CLERK'S OFFICE

JAN 30 2004

STATE OF ILLINOIS
Pollution Control Board

INFORMATIONAL NOTICE !!!

AC04-46

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

ADMINISTRATIVE CITATION

JAN 30 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

CHRISTOPHER COLEMAN,

Respondent.

AC

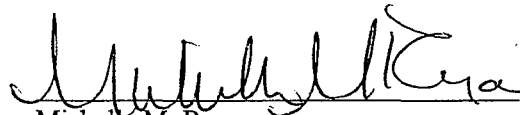
(IEPA No. 35-04-AC)

NOTICE OF FILING

To: Christopher Coleman
114 West Poplar Street
Cobden, Illinois 62920

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: January 28, 2004

RECEIVED
CLERK'S OFFICE

JAN 30 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

CHRISTOPHER COLEMAN,

Respondent.

AC

(IEPA No. 35-04-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2002).

FACTS

1. That Christopher Coleman ("Respondent") is the present owner and operator of a facility located directly Northwest of the intersection of Route 127 and Main Street, Alto Pass, Union County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Alto Pass/Coleman.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1810105001.

3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on January 13, 2004, Sheila Williams of the Illinois Environmental Protection Agency's Marion Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Sheila Williams during the course of her January 13, 2004 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2002).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than March 30, 2004, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2002), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental

Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2002). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

Renee Cipriano
Renee Cipriano, Director *by name*
Illinois Environmental Protection Agency

Date: 1/28/04

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

V.

CHRISTOPHER COLEMAN,

Respondent.

AC

(IEPA No. 35-04-AC)

FACILITY: Alto Pass/Coleman

SITE CODE NO.: 1810105001

COUNTY: Union

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: January 13, 2004

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)	
)	
Complainant,)	
)	
)	IEPA DOCKET NO.
v.)	
)	
Christopher Coleman)	
)	
Respondent.)	

AFFIDAVIT

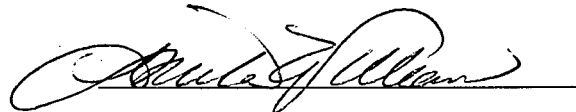
Affiant, Sheila Williams, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On January 13, 2004, between 1:05 p.m. and 1:35 p.m., Affiant conducted an inspection of a disposal site operated by Chris Coleman, located in Union County, Illinois, and known as Alto Pass/Coleman by the Illinois Environmental Protection Agency. Said site has been assigned site code number 181 010 5001 by the Agency.

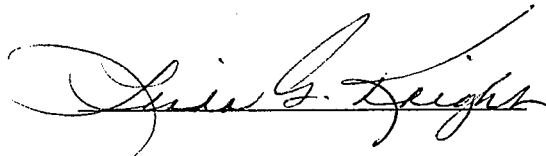
3. Affiant inspected said Alto Pass/Coleman site by an on-site inspection which included walking and photographing the site.

4. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Alto Pass/Coleman.

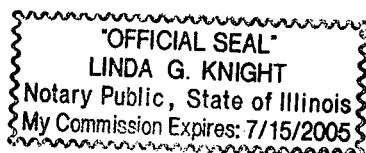


Subscribed and Sworn to before me

this 21st day of January, 2004



Notary Public



SRW:ls/16861/01-21-04

Open Dump Inspection Checklist

Interviewed: _____ Complaint #: C04-013 & C04-018

Responsible Party
Mailing Address(es)
and Phone
Number(s):

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 1810105001

Inspection Date: 01/13/2003

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>



Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

NARRATIVE INSPECTION REPORT

Date: January 13, 2004 Inspector: Sheila Williams

Site Code: 1810105001 County: Union

Site Name: Alto Pass/Coleman Time: 1:05 P.M. – 1:35 P.M.

GENERAL REMARKS

On January 13, 2004 I conducted an inspection of the Alto Pass/Coleman dump site. Twenty-one cubic yards of waste were observed at this site during the August 29, 2003 inspection. Chris Coleman, owner & operator, has been informed of apparent violations observed during the August 29, 2003 inspection.

During the January 13, 2004 inspection, two permanent buildings, one trailer & two truck/trailers were observed at the site. The license plates on the truck/trailers were "131812 D" & "131971 D". The covered portable structures (as mentioned in the August 29, 2003 inspection report) were no longer present. The trailer positioned at the north end of the site as well as the most northern building contained significantly more material than previously observed. One dumpster was observed on site. On it was a sign for Burris Disposal Service with a contact number of 618/549-2008.

Seven areas of apparent violation were observed during the January 13, 2004 inspection. These have been designated as Area A, Area B, Area C, Area D, Area E, Area F & Area G. Refuse in Area A included, but was not limited to, clothes, books, a computer monitor, demolition debris, framed windows (some of which were broken) & general refuse. Area A was estimated to be approximately 13 cubic yards (15'x7.5'x3') in size. Among the refuse in Area B were three computer monitors, eight computer

power units (CPU's), demolition debris, a 1986 Yearbook Encyclopedia, furniture, ten empty five gallon buckets labeled with "Fibrous Roof & Foundation Coating", & general refuse. Area B was estimated to be approximately seven cubic yards (10'x10'x2') in size. The waste in Area C consisted of demolition debris, books, clothes, stereo equipment, three computer monitors, furniture, dishes, a microwave oven & general refuse. Area C was estimated to be approximately 14 cubic yards (20'x12.5'x1.5') in size. A variety of metal, demolition debris & general refuse were observed in Area D. Area D was estimated to be approximately one cubic yard (2.5'x12.5'x.5') in size. Much of the waste in Area E was the same as previously noted. Also, the waste in Area E still trailed down gradient into the wooded area. Waste in Area E included, but was not limited to, demolition debris, carpeting, clothing, the remains of a fan, a variety of plastics & general refuse. Area E was estimated to be approximately five cubic yards (25'x5'x1') in size. Among the waste in Area F were four tires, demolition debris, furniture, a garden hose, a variety of metal & general refuse. Area F was estimated to be approximately seven cubic yards (15'x12.5'x1') in size. Waste observed in Area G consisted of dilapidated furniture, demolition debris, a fan, a spray tank, a clothes washing/drying machine liner, clothing & general refuse. Area G was estimated to be approximately three cubic yards (10'x2.5'x3') in size.

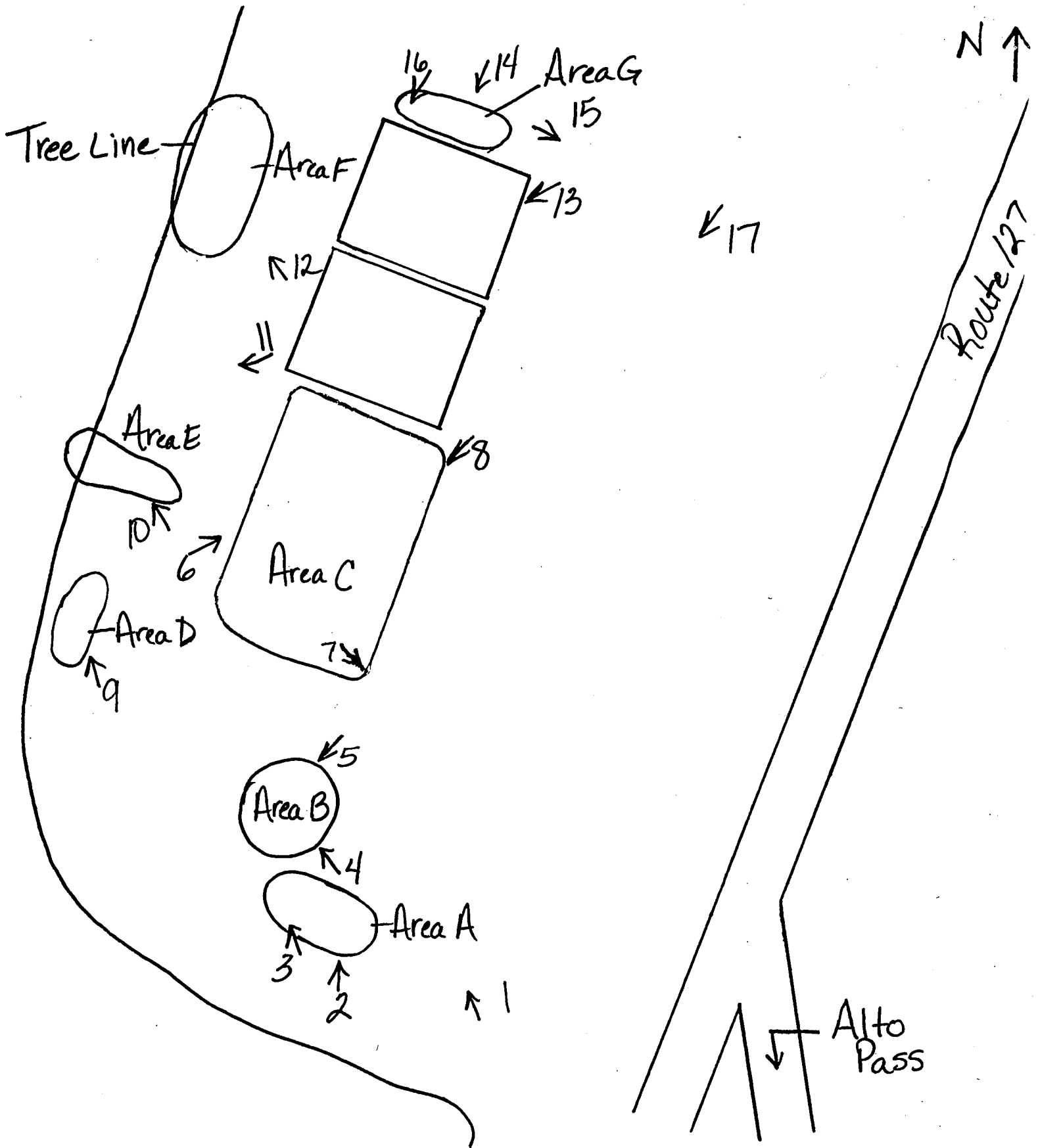
According to the Union County Supervisor of Assessments Office, Christopher Coleman of Cobden, IL receives the real estate tax bill for the piece of property on which this site is situated.

The following apparent violations were observed at the Alto Pass/Coleman site:

Line #5, #8, #9: Cause or allow open dumping. Cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site: litter; deposition of general construction or demolition debris. Cause or allow open dumping of any used or waste tire. A variety of waste, including demolition debris, was observed on the ground in Area A, Area B, Area C, Area D, Area E, Area F

& Area G. Four waste tires were observed scattered throughout Area F.

Line #6, #7 & #10: Conduct any waste-storage, waste-treatment or waste-disposal operation: without a permit; in violation of any Regulations or Standards adopted by the Board. Dispose, treat, store or abandon any waste or transport any waste into the state at/to sites not meeting requirements of the Act and Regulations. Failure to submit an application for a permit to develop & operate a landfill. Agency files do not reflect that there has been a permit applied for or issued by the IEPA which would allow the development for and/or operation of waste activities at this site, thus not fulfilling requirements of the Act & Regulations. Due to the apparent business operated at this location & the presence of several of the same items (computers, appliances, copiers, etc.), it is apparent waste has been brought from off site.



Alto Pass / Coleman
#1810105001 - Union County
Not to Scale

LPC #1810105001 – Union County
Alto Pass/Coleman
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 01/13/2004
TIME: 1:10 P.M.
DIRECTION: northwest
PHOTO by: S. Williams
PHOTO FILE NAME:
1810105001~01132004-001
COMMENTS:



DATE: 01/13/2004
TIME: 1:12 P.M.
DIRECTION: north
PHOTO by: S. Williams
PHOTO FILE NAME:
1810105001~01132004-002
COMMENTS:



LPC #1810105001 – Union County
Alto Pass/Coleman
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 01/13/2004
TIME: 1:13 P.M.
DIRECTION: northwest
PHOTO by: S. Williams
PHOTO FILE NAME:
1810105001~01132004-003
COMMENTS:



DATE: 01/13/2004
TIME: 1:16 P.M.
DIRECTION: northwest
PHOTO by: S. Williams
PHOTO FILE NAME:
1810105001~01132004-004
COMMENTS:



LPC #1810105001 – Union County
Alto Pass/Coleman
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 01/13/2004
TIME: 1:19 P.M.
DIRECTION: southwest
PHOTO by: S. Williams
PHOTO FILE NAME:
1810105001~01132004-005
COMMENTS:



DATE: 01/13/2004
TIME: 1:22 P.M.
DIRECTION: northeast
PHOTO by: S. Williams
PHOTO FILE NAME:
1810105001~01132004-006
COMMENTS:



LPC #1810105001 – Union County
Alto Pass/Coleman
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 01/13/2004
TIME: 1:23 P.M.
DIRECTION: southeast
PHOTO by: S. Williams
PHOTO FILE NAME:
1810105001~01132004-007
COMMENTS:



DATE: 01/13/2004
TIME: 1:25 P.M.
DIRECTION: southwest
PHOTO by: S. Williams
PHOTO FILE NAME:
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COMMENTS:



LPC #1810105001 – Union County
Alto Pass/Coleman
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 01/13/2004
TIME: 1:28 P.M.
DIRECTION: northwest
PHOTO by: S. Williams
PHOTO FILE NAME:
1810105001~01132004-009
COMMENTS:



DATE: 01/13/2004
TIME: 1:29 P.M.
DIRECTION: northwest
PHOTO by: S. Williams
PHOTO FILE NAME:
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COMMENTS:



LPC #1810105001 – Union County
Alto Pass/Coleman
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 01/13/2004
TIME: 1:30 P.M.
DIRECTION: southwest
PHOTO by: S. Williams
PHOTO FILE NAME:
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COMMENTS:



DATE: 01/13/2004
TIME: 1:31 P.M.
DIRECTION: northwest
PHOTO by: S. Williams
PHOTO FILE NAME:
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COMMENTS:



LPC #1810105001 – Union County
Alto Pass/Coleman
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 01/13/2004
TIME: 1:32 P.M.
DIRECTION: southwest
PHOTO by: S. Williams
PHOTO FILE NAME:
1810105001~01132004-013
COMMENTS:



DATE: 01/13/2004
TIME: 1:33 P.M.
DIRECTION: southwest
PHOTO by: S. Williams
PHOTO FILE NAME:
1810105001~01132004-014
COMMENTS:



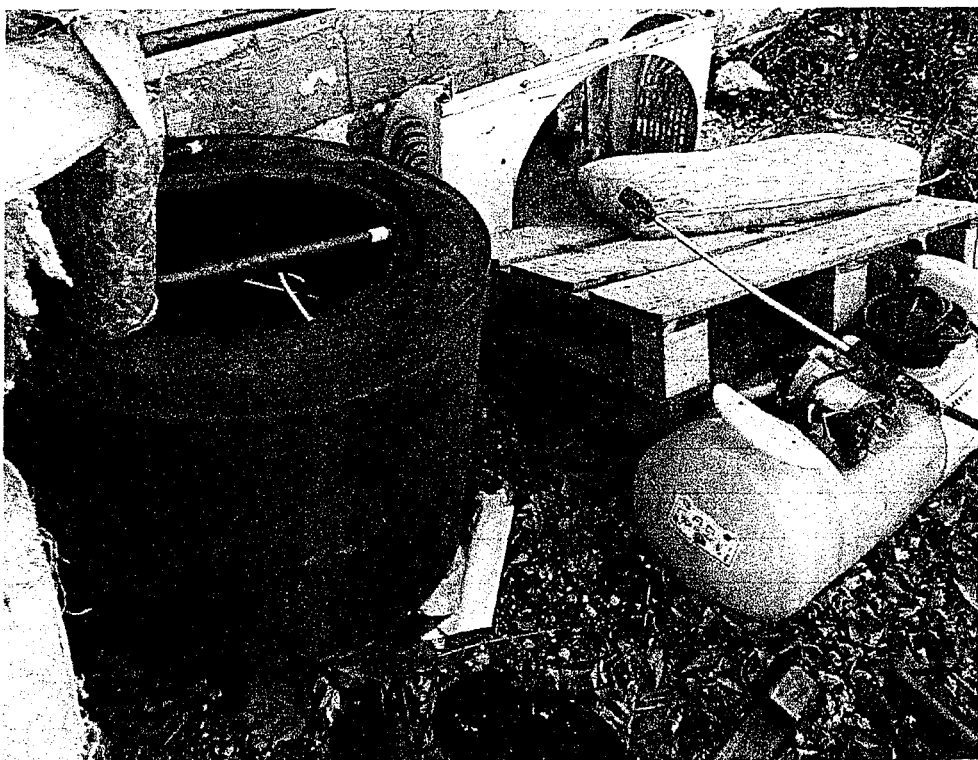
LPC #1810105001 – Union County
Alto Pass/Coleman
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 01/13/2004
TIME: 1:33 P.M.
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PHOTO by: S. Williams
PHOTO FILE NAME:
1810105001~01132004-015
COMMENTS:



DATE: 01/13/2004
TIME: 1:34 P.M.
DIRECTION: southwest
PHOTO by: S. Williams
PHOTO FILE NAME:
1810105001~01132004-016
COMMENTS:



LPC #1810105001 – Union County
Alto Pass/Coleman
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 01/13/2004
TIME: 1:35 P.M.
DIRECTION: southwest
PHOTO by: S. Williams
PHOTO FILE NAME:
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COMMENTS:



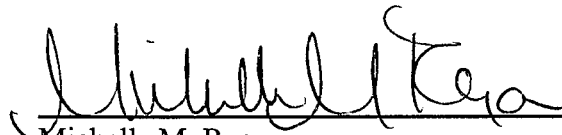
PROOF OF SERVICE

I hereby certify that I did on the 28th day of January 2004, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Christopher Coleman
114 West Poplar Street
Cobden, Illinois 62920

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

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


Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544