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OCT 14 2003

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, ) No. PCB 04-226  
)  
v. )  
)  
P & J SUPER AUTO BODY SHOP, INC. )  
an Illinois Corporation, and JULIO )  
GALLEGOS, an Illinois resident, )  
)  
Respondent. )

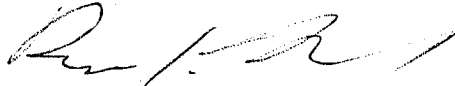
NOTICE OF FILING

TO: Bridget M. Carlson  
Assistant Attorney General  
Environmental Bureau  
188 West Randolph Street  
Suite 2001  
Chicago, IL 60601

PLEASE TAKE NOTICE that I have today filed Respondent's Answer to Complaint with the Office of the Clerk of the Illinois Pollution Control Board, a true and correct copy of which is attached hereto and herewith served upon you.

P & J SUPER AUTO BODY SHOP, INC.  
and  
JULIO GALLEGOS,

BY:

  
\_\_\_\_\_  
Ross J. Helfand  
Attorney for Respondent

Ross J. Helfand  
Attorney for Respondent  
555 Skokie Boulevard  
Suite 595  
Northbrook, IL 60062  
847-256-3200  
Atty. No. 35392

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P & J SUPER AUTO BODY SHOP, INC.     )  
an Illinois Corporation, and JULIO    )  
GALLEGOS, an Illinois resident,     )  
  )  
                  Respondent.            )

RESPONDENT'S ANSWER TO COMPLAINT

Respondent, P & J SUPER AUTO BODY SHOP, INC., and JULIO GALLEGOS, by and through their attorney, Ross J. Helfand, answer the Complaint as follows:

COUNT I

1. Respondent admits the allegation in paragraph 1.
2. Respondent admits the allegation in paragraph 2.
3. Respondent admits the allegations in paragraph 3.
4. Respondent admits the allegations in paragraph 4, including the allegation that he has knowledge of the environmental violations alleged. However, Respondent asserts that he was never aware that he or P&J was committing any violation prior to when he was contacted by the Illinois EPA or the Attorney General's Office.
5. Respondent admits the allegations in paragraph 5.
6. Respondent admits the allegation in paragraph 6.
7. Respondent admits the allegation in paragraph 7.

8. Respondent admits that the language alleged to be contained in the Section cited is accurate.

9. Respondent admits that the language alleged to be contained in the Section cited is accurate.

10. Respondent admits only that P & J is a corporation and that Julio Gallegos is an individual. Beyond this, Paragraph 10 contains legal conclusions only and contains no further factual allegations for Respondent to admit or deny.

11. Paragraph 11 contains no factual allegations for Respondent to admit or deny.

WHEREFORE, Respondents, P & J SUPER AUTO BODY SHOP, INC., and JULIO GALLEGOS, request that the Board refrain from imposing any civil penalty upon Respondents in light of the factors which the Board is required to take into consideration, pursuant to 415 ILCS 5/33(c) and 415 ILCS 5/42(h).

#### COUNT II

10. Respondent denies the allegation in Paragraph 10. On April 24, 2003, Respondent posted the required written notice and thus fully complied with Section 55.8(a)(3).

11. Respondent admits that the language alleged to be contained in the Section cited is accurate.

12. Respondent neither admits nor denies the allegation

in paragraph 12.

WHEREFORE, Respondents, JULIO GALLEGOS and P & J SUPER AUTO BODY SHOP, INC., request that the Board refrain from imposing any civil penalty upon Respondents in light of the factors which the Board is required to take into consideration, pursuant to 415 ILCS 5/33(c) and 415 ILCS 5/42(h).

COUNT III

10. Respondent admits that the language alleged to be contained in the Section cited is accurate.

11. Respondent admits the allegations in paragraph 11.

12. Respondent denies the allegation in paragraph 12 in that it fails to specify any period in excess of 90 days for which Respondents have stored used or waste tires.

WHEREFORE, Respondents, P & J SUPER AUTO BODY SHOP, INC., request that the Board dismiss Count III.

Respectfully submitted,

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Ross J. Helfand  
Attorney for Respondents

VERIFICATION

Under penalty of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that his statements which are set forth in the foregoing instrument are true and correct to the best of his knowledge.

  
\_\_\_\_\_  
JULIO GALLEGOS

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