



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-7829  
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 874-8025

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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CLERK'S OFFICE  
MAR 09 2012

STATE OF ILLINOIS  
Pollution Control Board

(217) 782-9817  
TDD: (217) 782-9143

March 7, 2012

John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

AC12-31  
ORIGINAL  
RETURN TO CLERK'S OFFICE

Re: Illinois Environmental Protection Agency v. Carlos Enterprises Auto Repair and Elias Carlos  
IEPA File No. 38-12-AC: 2010305948—Winnebago County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Used Tire Storage Exempt Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan  
Assistant Counsel

Enclosures

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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 CARLOS ENTERPRISES AUTO REPAIR AND )  
 ELIAS CARLOS, )  
 )  
 Respondent. )

AC 12-31  
 (EPA No. 38-12-AC)

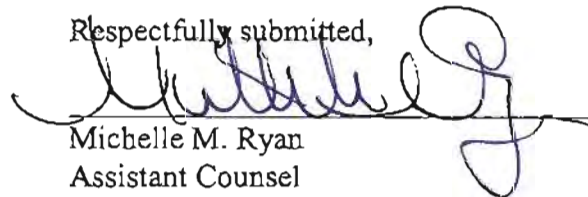
ORIGINAL  
 RETURN TO CLERK'S OFFICE

NOTICE OF FILING

To: Elias Carlos  
 1303 S. Main  
 Rockford, IL 61102

Carlos Enterprises Auto Repair  
 Elias Carlos  
 1303 S. Main  
 Rockford, IL 61102

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 USED TIRE STORAGE EXEMPT CHECKLIST.

Respectfully submitted,  
  
 Michelle M. Ryan  
 Assistant Counsel

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

Dated: March 7, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

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MAR 09 2012  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
CARLOS ENTERPRISES AUTO REPAIR )  
AND ELIAS CARLOS, )  
 )  
 )  
Respondents. )

AC 12-31  
(IEPA No. 38-12-AC)

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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 (2010).

FACTS

1. That Carlos Enterprises Auto Repair and Elias Carlos are the current owner and operator ("Respondents") of a facility located at 1303 S. Main Street, Rockford, Winnebago County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rockford/Carlos Enterprises Auto Repair.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 2010305948.
3. That Respondents have owned and operated said facility at all times pertinent hereto.
4. That on January 11, 2012, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford 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.

5. That on 3-7-2012 Illinois EPA sent this Administrative Citation via Certified Mail No. 7009 2820 0001 7496 0148  
7009 2820 0001 7496 0155

#### VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of her January 11, 2012 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondents are 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 One Thousand Five Hundred Dollars (\$1,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than March 30, 2012, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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 (2010), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents 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.

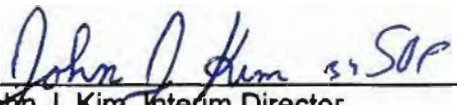
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2010). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.

  
\_\_\_\_\_  
John J. Kim, Interim Director  
Illinois Environmental Protection Agency

Date: 3/5/2012

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

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MAR 09 2012

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
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v. )  
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CARLOS ENTERPRISES AUTO REPAIR )  
AND ELIAS CARLOS, )  
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 )  
Respondents. )

AC 12-31  
(IEPA No. 38-12-AC)

ORIGINAL  
RETURN TO CLERK'S OFFICE

FACILITY: Rockford/Carlos Enterprises auto Repair  
SITE CODE NO.: 2010305948  
COUNTY: Winnebago  
CIVIL PENALTY: \$1,500.00  
DATE OF INSPECTION: January 11, 2012

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.

RECEIVED  
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MAR 09 2012  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF: )  
)  
Carlos Enterprises Auto Repair )  
)  
Respondent )

IEPA DOCKET NO.

ORIGINAL  
RETURN TO CLERK'S OFFICE

Affiant, Donna Shehane, 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 Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On January 11, 2012 between 1:30 p.m., and 1:35 p.m., Affiant conducted an inspection of Carlos Enterprises Auto Repair, located in Winnebago County, Illinois. Said site has been assigned site code number BOL# 2010305948 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities 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 facility.

Donna Shehane  
Donna Shehane EPS III

Subscribed and Sworn to Before Me  
this 31 day of January, 2012

Teresa Labunski  
Notary Public

OFFICIAL SEAL  
TERESA LABUNSKI  
Notary Public, State of Illinois  
My Commission Expires 01/10/15



# Illinois Environmental Protection Agency



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MAR 09 2012

STATE OF ILLINOIS  
Pollution Control Board

## Used Tire Storage Exempt Checklist

Note: This checklist is to be used for retail sites that have 250 or less used tires outside, or fewer than 1300 recyclable tires, 1300 tire carcasses and 1300 used tires stored dry.

County:  BOL ID #  Region

Facility Name:

Facility Address:

City:  State:  Zip:  Phone:

Date:  Start Time  End Time

Inspector(s):  Previous Inspection Date:

Weather:  ° F  No. of Photos Taken:

Interviewed:  No. of Samples Taken:

Waste Tire Hauler Used:  Complaint #:

Estimated Number of Tires at this Facility:  Hauler Reg. No.:

### Responsible Party Info

Name:

Address 1:

Address 2:

City:  State:  Zip Code:

ADDITIONAL  
RETURN TO STATE OF ILLINOIS  
TCE

**ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS**

21(k)	Failure or refusal to pay any fee imposed under the Act. Note: Cite this violation if violation of 55.8(a)(i) or 55.9 is cited.	<input type="checkbox"/>
55(a)(3)	Except at a tire storage site that contains more than 50 used tires, cause or allow the storage of used tires unless the tires are altered, reprocessed, converted, covered or otherwise prevented from accumulating water	<input checked="" type="checkbox"/>
55(b-1)	No person shall knowingly mix any used or waste tire, either whole or cut, with municipal waste.	<input type="checkbox"/>
55(c)	Failure to file the required notification with the Agency by 1/1/1990 or within 30 days of commencement of storing used tires. Note: Do not mark if site always maintains 50 or less used tires.)	<input type="checkbox"/>
55(e)	Cause or allow the storage, disposal, treatment or processing of any used or waste tire in violations of any regulation or standard adopted by the Board	<input type="checkbox"/>
55(h)	Cause or allow the combustion of any used or waste tire in an enclosed device unless a permit has been issued by the Agency.	<input type="checkbox"/>
55.8(a)	Any person selling tires at retail or offering tires for retail sale in this state shall.	
(1)	collect from retail customers a fee of \$2.00 (plus \$.50) per tire sold to be paid to the IL Dept. of Revenue.	<input type="checkbox"/>
(2)	accept for recycling used tires from customers, at the point of transfer, in a quantity equal to the number of new tires purchased.	<input type="checkbox"/>
(3)	post in a conspicuous place a written notice at least 8.5 X 11 inches in size that includes the universal recycling symbol and the following statements: "DO NOT put used tires in the trash." and "State law requires us to accept used tires for recycling, in exchange for new tires purchased."	<input type="checkbox"/>
55.8(b)	A person who accepts used tires for recycling under 55.8(a) shall not allow the tires to accumulate for periods of more than 90 days.	<input type="checkbox"/>
55.9	Retailers shall collect the fee from purchaser by adding the fee to the selling price of the tire. The fee imposed shall be stated as a distinct item separate and apart from the selling price.	<input type="checkbox"/>
55.10	Failure to file a quarterly ST-8 tax return with the IL Dept. of Revenue.	<input type="checkbox"/>

**TIRE TRANSPORTATION REQUIREMENTS**

55(f)	Arrange for the transportation of used or waste tires away from the site of generation with a person known to openly dump such tires.	<input type="checkbox"/>
55(g)	Engage in any operation as a used tire transporter except in compliance with Board regulations	<input type="checkbox"/>
848.601(a)	No person shall transport more than 20 used tires in a vehicle unless the following requirements are met: (1) <input type="checkbox"/> the owner or operator has registered the vehicle with the Agency in accordance with Subpart F, received approval of such registration from the Agency, and such registration is current, valid and in effect (2) <input type="checkbox"/> the owner or operator displays a placard on the vehicle, issued by the Agency following registration, in accordance with the requirements of Subpart F.	<input type="checkbox"/>
848.601(b)	No person shall provide, deliver, or transport used tires to a tire transporter for transport unless the transporter's vehicle displays a placard issued by the Agency under this Subpart identifying the transporter as a registered tire transporter.	<input type="checkbox"/>

848.606(a)	Upon approval of a registration as a tire transporter, the owner or operator of any vehicle registered to transport used tires shall place a placard on opposite sides of the vehicles, which display(s) a number issued by the Agency following the words "Registered Tire Transporter: T###."	<input type="checkbox"/>
848.606(b)	Registered tire transporter numbers and letters shall be removable only by destruction. Directly adjacent to the words and number, the vehicle owner and operator shall display a seal furnished by the Agency, which shall designate the date on which the registration expires.	<input type="checkbox"/>

### VIOLATIONS SUBJECT TO ADMINISTRATIVE CITATIONS

55(k)	No person shall:	
(1)	Cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.	<input checked="" type="checkbox"/>
(2)	Fail to collect a fee required under Section 55.8 of this Title	<input type="checkbox"/>
(3)	Fail to file a return required under Section 55.10 of this Title.	<input type="checkbox"/>
(4)	Transport used or waste tires in violation of the registration and vehicle placarding requirements adopted by the Board.	<input type="checkbox"/>

### THE FOLLOWING VIOLATIONS MAY BE CITED WHEN WASTES, INCLUDING TIRES, HAVE BEEN IMPROPERLY DISPOSED

9(a)	Cause, threaten or allow air pollution in Illinois.	<input type="checkbox"/>
9(c)	Cause, or allow open burning	<input type="checkbox"/>
12(a)	Cause, threaten or allow water pollution in Illinois	<input type="checkbox"/>
12(d)	Create a water pollution hazard	<input type="checkbox"/>
21(a)	Cause or allow open dumping of: <input type="checkbox"/> Used Tires <input type="checkbox"/> Other solid waste	<input type="checkbox"/>
21(d)(1)	No person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit.	<input type="checkbox"/>
21(d)(2)	No person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act..	<input type="checkbox"/>
21(e)	No person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal treatment, storage or abandonment, except at a site or facility that meets the requirements of the Act and of regulations and standards thereunder.	<input type="checkbox"/>
21(p)	Cause or allow the open dumping of any waste in any manner that results in any of the following:	
(1)	Litter	<input 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)	Proliferations of Disease Vectors	<input type="checkbox"/>
(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
(7)	Deposition of GCDD or CCDD	<input type="checkbox"/>
55(a)	No person shall:	
(1)	cause or allow the open dumping of any used or waste tire.	<input type="checkbox"/>
(2)	cause or allow the open burning of any used or waste tire.	<input type="checkbox"/>
(5)	Abandon, dump or dispose of any used or waste tire on any private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.	<input type="checkbox"/>
812.101(a)	Abandon, dump or dispose of any used or waste tire on any private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.	<input type="checkbox"/>
815.201	Failure to file an initial facility report with the Agency to provide information concerning location and disposal practices of the facility.	<input type="checkbox"/>

**OTHER REQUIREMENTS**

	Apparent Violations of: <input type="checkbox"/> PCB CASE NUMBER: _____ <input type="checkbox"/> CIRCUIT COURT Order entered on: _____	<input type="checkbox"/>
739.122(c)	Failure to properly label used oil container(s)	<input type="checkbox"/>
739.124	Improper off-site shipment/transportation of used oil	<input type="checkbox"/>

Use lines below for additional violations

			<input type="checkbox"/>
--	--	--	--------------------------

Add Another Violation

Delete Last Violation

**2010305948- Winnebago County  
Rockford/Carlos Enterprises Auto Repair**

**NARRATIVE INSPECTION REPORT DOCUMENT**

On January 11, 2012 I (Donna Shehane) conducted a follow-up inspection at Carlos Enterprises Auto Repair, located at 1303 S. Main, Rockford, Illinois, 61102. The weather at the time of this inspection was 53 °F with calm winds and partly cloudy skies. The purpose of this inspection was to determine the site's regulatory status and evaluate compliance with the Illinois Environmental Protection Act and Title 35 Illinois Administrative Code, Subtitle G, Part 848, Management of Used Tires. The last Used Tire Unit inspection at this facility was conducted on September 13, 2011 for which a Used Tire Administrative Citation Warning Notice was issued.

I arrived on site at approximately 1:30 pm and spoke with Mr. Elias Carlos. I had last visited the site on January 4, 2011 and had verbally told Mr. Carlos that there was water in the used tires and again explained the used tire storage regulations for a tire retail facility. I had taken four photos on January 4, 2011 which are attached to this inspection report. On January 11, 2012, I took three photos which are also attached. All three photos document water accumulation in the used tires which were again stored without a method utilized to prevent water accumulation. The inventory of used tires stored outside was approximately 35.

The Carlos Enterprises/Auto Repair facility was found to be in apparent violation at the time of this inspection. The following apparent violations were noted:

1. Section 55(a)(3) of the Act.
2. Section 55(k)(1) of the Act.

END NARRATIVE BY DONNA SHEHANE

STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 01/11/2012

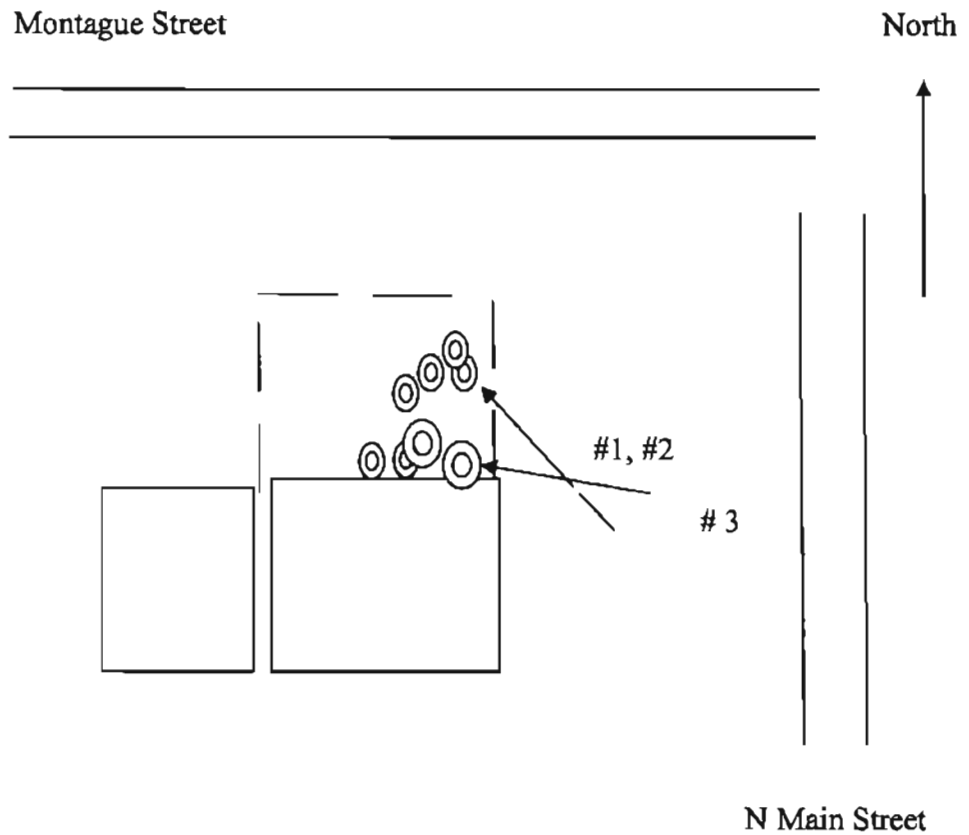
Inspector(s): Shehane

Site Code: 2010305948

County: Winnebago

Site Name: Carlos Enterprises  
Auto Repair

Time: 1:30 pm to 1:35 pm



Site sketch is not to scale  
2010305948~011112-001-003

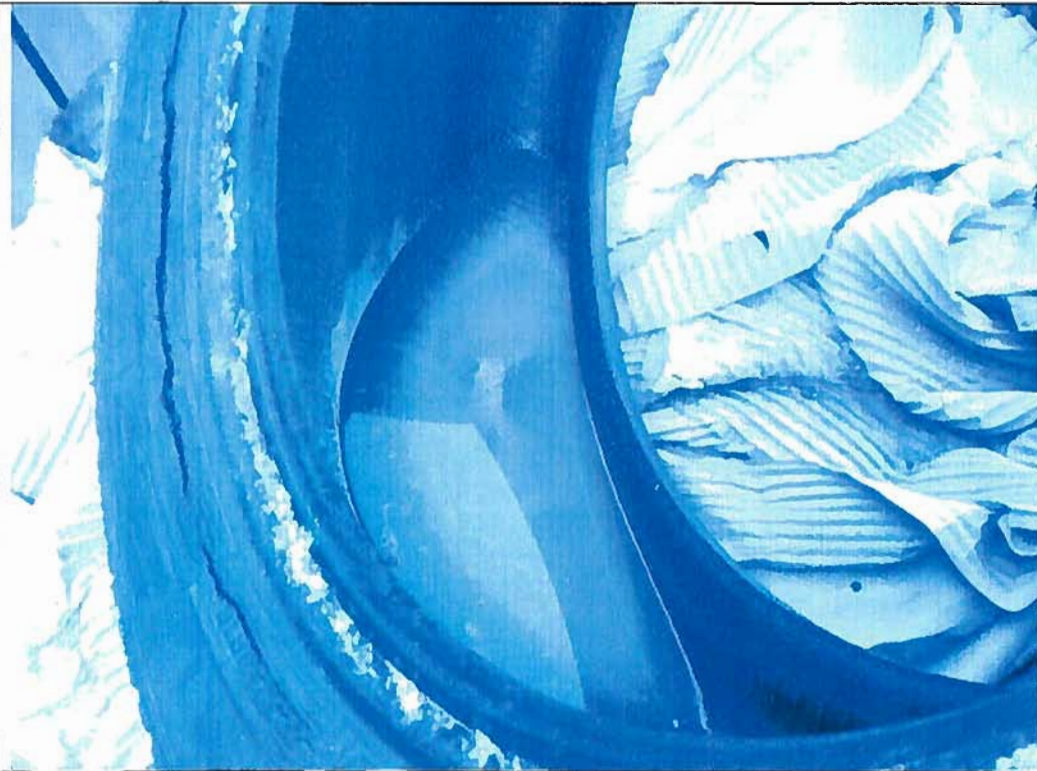


## DIGITAL PHOTOGRAPHS

File Names: 2010305948~011112-



Date: 01/11/2012  
Time: 1:33 pm  
Direction: NW  
Photo by: Shehane  
Exposure #: 001  
Comments: water  
accumulation in  
used tire



Date: 01/11/2012  
Time: 1:33 pm  
Direction: NW  
Photo by: Shehane  
Exposure #: 002  
Comments: water  
accumulation in used  
tire



## DIGITAL PHOTOGRAPHS

File Names: 2010305948~011112-



Date: 01/11/2012  
Time: 1:33 pm  
Direction: W  
Photo by: Shehane  
Exposure #: 003  
Comments: Used tires stored outside without prevention of water accumulation and water in used tires



Date: 01/04/2012  
Time: 10:03 am  
Direction: NW  
Photo by: Shehane  
Exposure #: 001  
Comments: Used tires stored outside without prevention of water accumulation





## DIGITAL PHOTOGRAPHS

File Names: 2010305948~011112-



Date: 01/04/2012  
Time: 10:03 am  
Direction: W  
Photo by: Shehane  
Exposure #: 002  
Comments:  
Additional used  
tires stored  
outside with water  
accumulation



Date: 01/04/2012  
Time: 10:04 am  
Direction: NW  
Photo by: Shehane  
Exposure #: 003  
Comments: water  
accumulation in used  
tire



## **DIGITAL PHOTOGRAPHS**

File Names: 2010305948~011112-



Date: 01/04/2012  
Time: 10:04 am  
Direction: NW  
Photo by: Shehane  
Exposure #: 004  
Comments: water  
accumulation in  
used tire

**PROOF OF SERVICE**

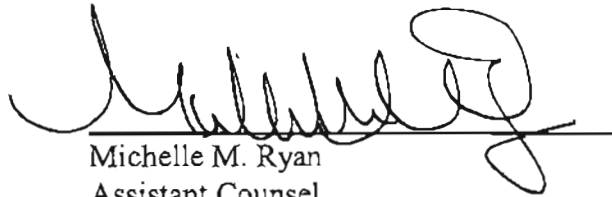
I hereby certify that I did on the 7th day of March 2012, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and USED TIRE STORAGE EXEMPT CHECKLIST

To: Elias Carlos  
1303 S. Main  
Rockford, IL 61102

Carlos Enterprises Auto Repair  
Elias Carlos  
1303 S. Main  
Rockford, IL 61102

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



Michelle M. Ryan  
Assistant Counsel

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
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