



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 • (312) 814-6026
PAT QUINN, GOVERNOR **LISA BONNETT, DIRECTOR**

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CLERK'S OFFICE
JUL 16 2013
STATE OF ILLINOIS
Pollution Control Board**

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

July 11, 2013

AC 14-7

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

 **ORIGINAL**

Re: Illinois Environmental Protection Agency v. John Croslow d/b/a Croslow's Auto Repair
IEPA File No. 156-13-AC: 1010155024—Lawrence County

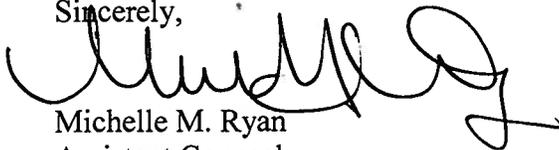
Dear Mr. Therriault:

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 16 2013

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

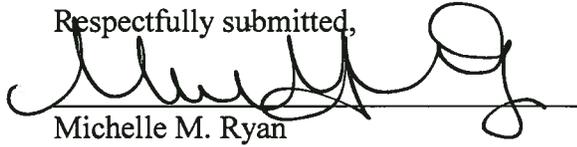
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
JOHN K. CROSLow D/B/A CROSLow'S)
AUTO REPAIR,)
))
Respondent.)

AC 14-1
(IEPA No. 156-13-AC)

NOTICE OF FILING

To: John K. Croslow
d/b/a Croslow's Auto Repair
1421 Lexington Avenue
Lawrenceville, IL 62439

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: July 11, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

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JUL 16 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Complainant,)
)
 v.)
)
 JOHN K. CROSLow D/B/A CROSLow'S)
 AUTO REPAIR,)
)
)
 Respondent.)

AC 14-7
 (IEPA No. 156-13-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 (2010).

FACTS

1. That John K. Croslow d/b/a Croslow's Auto Repair is the current operator ("Respondent") of a facility located at 1421 Lexington Avenue, Lawrenceville, Lawrence County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Croslow's Auto Repair (f/k/a Croslow's Shell Station).
2. That said facility is designated with Site Code No. 1010155024.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on May 30, 2013 Garrison Gross, of the Illinois Environmental Protection Agency's ("Illinois EPA") Marion Regional Office inspected the above-described facility. A copy of the inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 7-11-13, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 2998 6123.

VIOLATIONS

Based upon direct observations made by Garrison Gross during the course of the May 30, 2013 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 failed to collect a fee required under Section 55.8, a violation of Section 55(k)(2) of the Act, 415 ILCS 55(k)(2) (2010).
- (2) That Respondent failed to file a return required under Section 55.10, a violation of Section 55(k)(3) of the Act, 415 ILCS 55(k)(3) (2010).

CIVIL PENALTY

On May 17, 2012, the Board found John K. Croslow in violation of Sections 55(k)(2) and 55(k)(3) of the Act in AC 12-43.

Because this Administrative Citation addresses a second or subsequent violation of Sections 55(k)(2) and 55(k)(3) of the Act, pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for each violation, for a total of Six Thousand Dollars (\$6,000.00). 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 August 15, 2013, 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 (2010), 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 Three Thousand Dollar (\$3,000.00) 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 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 (2010). 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.

Lisa Bonnett *sr SOP*

Date:

7/4/13

Lisa Bonnett, Director
Illinois Environmental Protection Agency

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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CLERK'S OFFICE

JUL 16 2013

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.)
)
JOHN K. CROSLow D/B/A CROSLow'S)
AUTO REPAIR,)
)
)
Respondent.)

AC 14.7
(IEPA No. 156-13-AC)

FACILITY: Croslow's Auto Repair (f/k/a Croslow's Shell Station)
SITE CODE NO.: 1010155024
COUNTY: Lawrence
CIVIL PENALTY: \$6,000.00
DATE OF INSPECTION: May 30, 2013

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.

STATE OF ILLINOIS)
) SS
COUNTY OF WILLIAMSON)

RECEIVED
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JUL 16 2013
STATE OF ILLINOIS
Pollution Control Board

AC 14-7

AFFIDAVIT

I, Garrison Gross, being first duly sworn upon oath, depose and state 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 May 30, 2013, between 10:20 a.m. and 10:40 a.m., Affiant conducted an inspection of Croslow's Auto Repair in Lawrence County, Illinois, known as Croslow's Auto Repair by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1010155024 by the Agency.

3. Affiant inspected said Croslow's Auto Repair 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 Croslow's Auto Repair.

FURTHER AFFIANT SAYETH NOT.

/s/ Garrison Gross

Subscribed and Sworn to before
me this 17th day of June, 2013

Gail Stricklin
Notary Public



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 checked="" 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 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 violation 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 devise 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 checked="" 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;" "Recycled your tires.;" 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 checked="" type="checkbox"/>
55.10	Failure to file a quarterly ST-8 tax return with the IL Dept. of Revenue.	<input checked="" 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 hauler.	<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 type="checkbox"/>
(2)	Fail to collect a fee required under Section 55.8 of this Title.	<input checked="" type="checkbox"/>
(3)	Fail to file a return required under Section 55.10 of this Title.	<input checked="" 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"/>
848.202(b)(6)	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)	Failure to submit an application for a permit to develop and operate a landfill, unless the site is specifically exempted by Section 21(d) of the Act. The application must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in Part 817.	<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 checked="" type="checkbox"/> PCB CASE NUMBER: AC 12-43 <input type="checkbox"/> CIRCUIT COURT Order entered on: _____	<input checked="" type="checkbox"/>
739.122(c)(1)	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



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Narrative Inspection Report

Site #: 1010155024 – Lawrence County

Site Name: Croslow's Auto Repair

Date of Inspection: May 30, 2013

Inspector: Garrison Gross

Subject: Tire Storage-Exempt Site Inspection at Croslow's Auto Repair

General Remarks: A Tire Storage-Exempt Site Inspection was conducted on Thursday, May 30, 2013 at Croslow's Auto Repair. The inspection was conducted by Garrison Gross representing the Illinois EPA Bureau of Land. The site is located at the northeast corner of 15th Street and Lexington Avenue. The address is 1421 Lexington Avenue, Lawrenceville, Illinois 62439. The inspection was performed as a follow up to a previous inspection conducted on March 1, 2012. Weather conditions at the time of the inspection were mostly cloudy skies, 82° F, and windy.

Inspection Findings: The inspection began at approximately 10:20 A.M. I entered the site and spoke with the business owner, John Croslow. I identified myself and explained the reason for the inspection. Mr. Croslow stated that he had corrected the violations and was disposing of tires properly. He provided tire transporter receipts showing the disposal of waste tires to J & R Used Tire Service. Waste tires were being picked up on a regular basis. Fifty-one (51) tires were disposed on April 16, 2013 (photo 001). Twenty-six (26) tires were disposed on May 14, 2013. Mr. Croslow said he did not sell very many tires and told the inspector he was trying to get rid of the waste tires. He was unable to provide any receipts showing the retail sale of tires and he could not provide any Department of Revenue ST-8's. Mr. Croslow said he received a letter from the Agency saying that he was exempt from collecting the tire user fee due the small number of tires that he sold. I asked to see a copy of the letter. Mr. Croslow said he didn't have the letter but thought his accountant might have it. I asked him to send me a copy of the letter.

Mr. Croslow provided invoices for tires he purchased for resale. The April 15, 2013, Neal Tire invoice showed that he was not charged the tire user fee (photo 002). The fee was shown but then deducted from the sale price. The tire purchased from Best One Tire on February 12, 2013, was sold out-of-state in Indiana (photo 003). The invoice showed the .25 cents state tire fee was collected for that tire. The invoices did not show that Mr. Croslow was paying the Illinois tire user fee to the supplier. The recycle notice was posted at the sales area as required. Mark Randolph was contracted to recycle the antifreeze.

I continued the inspection by walking and photographing the site. Mr. Croslow accompanied me during the inspection. Thirty-six (36) waste tires were observed north of the business. The tires were stored under a carport structure (photo 004). All of the tires were dry. Approximately twenty (20) resalable used tires were stored inside the business. One (1) 55-gallon drum was stored inside the shop (photo 005). The drum was labeled as used antifreeze. One (1) metal storage tank was located on the east side of the business (photo 006). The storage tank was labeled as used oil. Based on the conditions at the time of the inspection, the facility should be regulated as a tire storage-exempt facility. The inspection ended at approximately 10:40 A.M.

Additional Remarks:

Information obtained from the Illinois Department of Revenue indicates that John K. Croslow has not been submitting ST-8's for retail tire sales. The Agency has not received the documents that were requested.

1010155024 – Lawrence County
Croslow's Auto Repair
May 30, 2013

Summary of Apparent Violations:

21(k)(1)
55.9

55.10
55(k)(2)

55(k)(3)
PCB AC-12-43



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY
Inspection Site Sketch

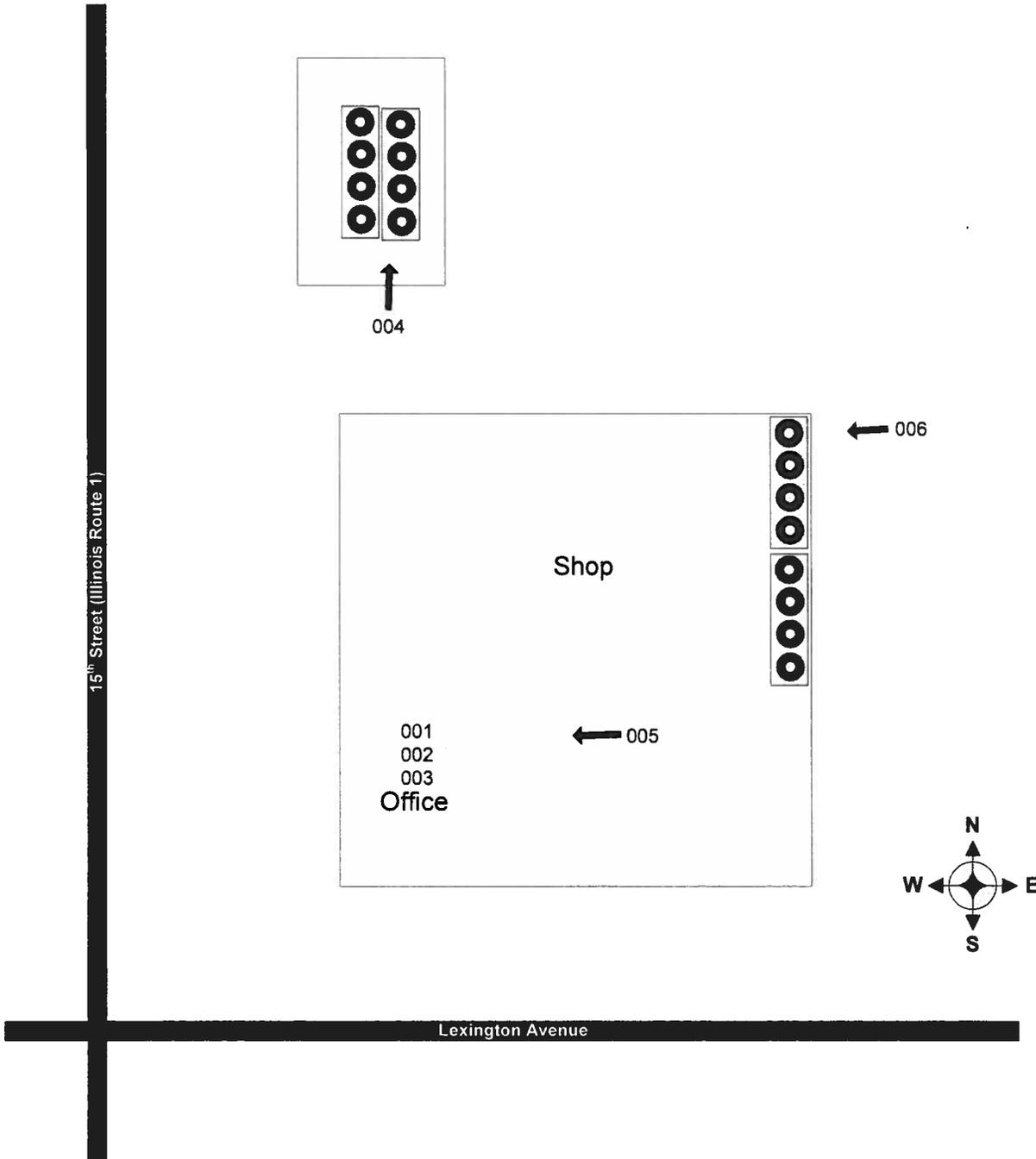
Date: May 30, 2013

BOL ID #: 1010155024 – Lawrence County

Site Name: Croslow's Auto Repair

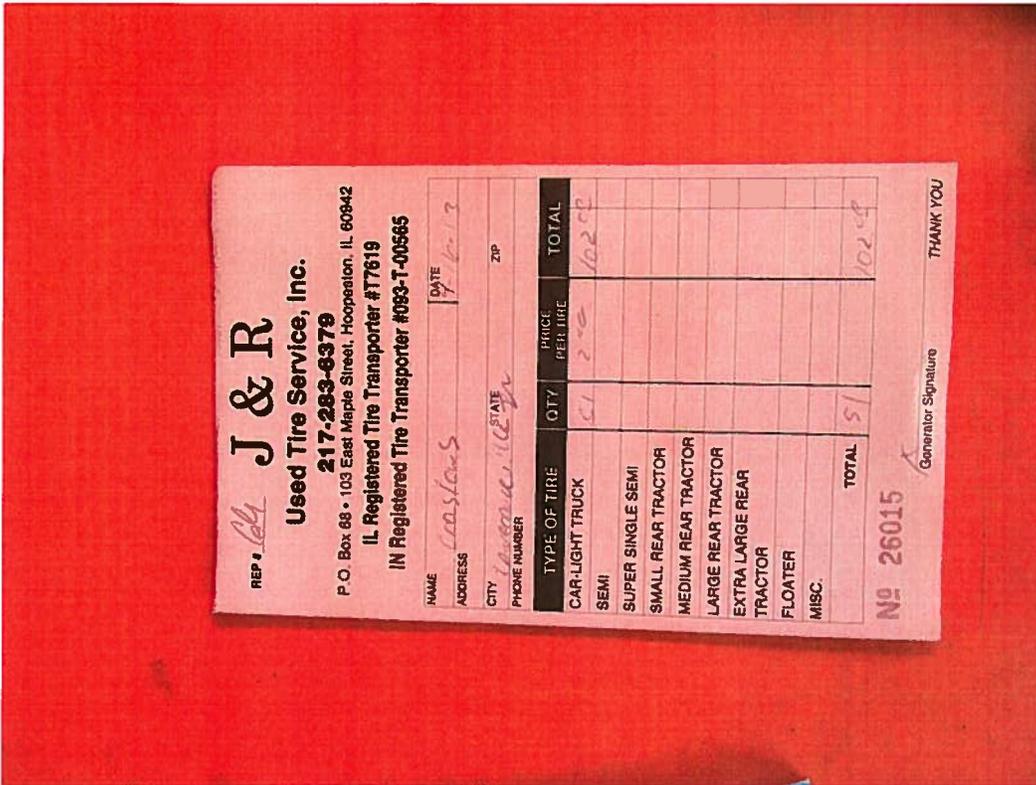
Inspector: Garrison Gross

Not Drawn to Scale: *All Locations Are Approximate*

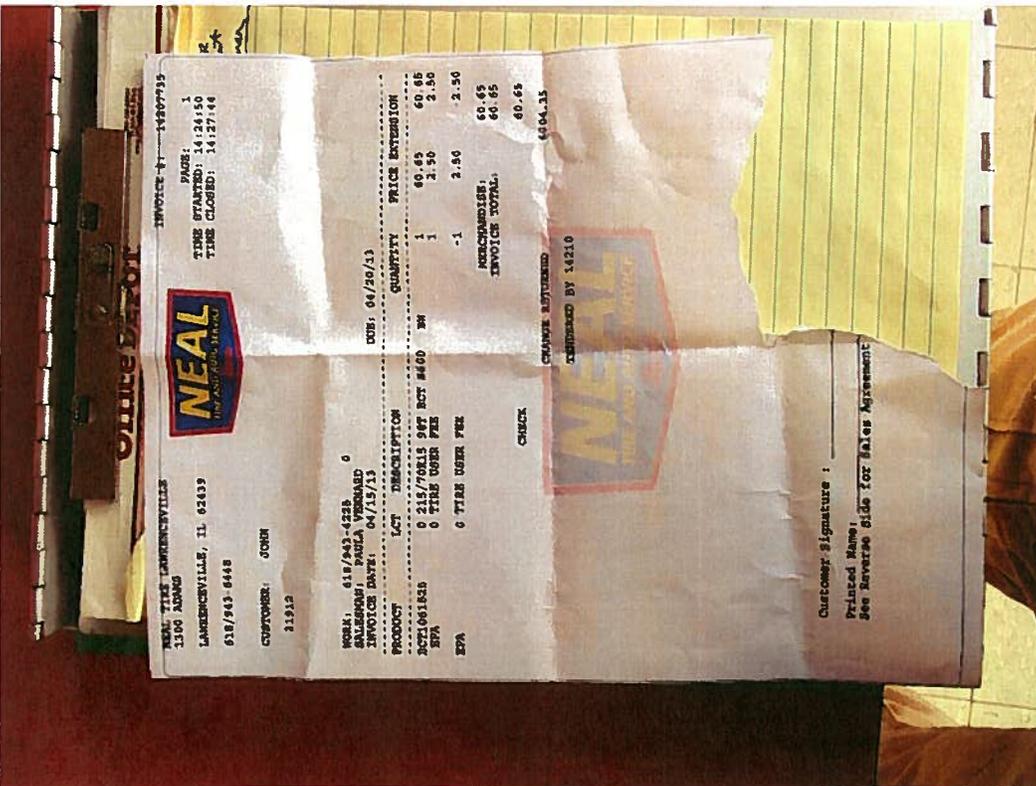




DIGITAL PHOTOGRAPHS



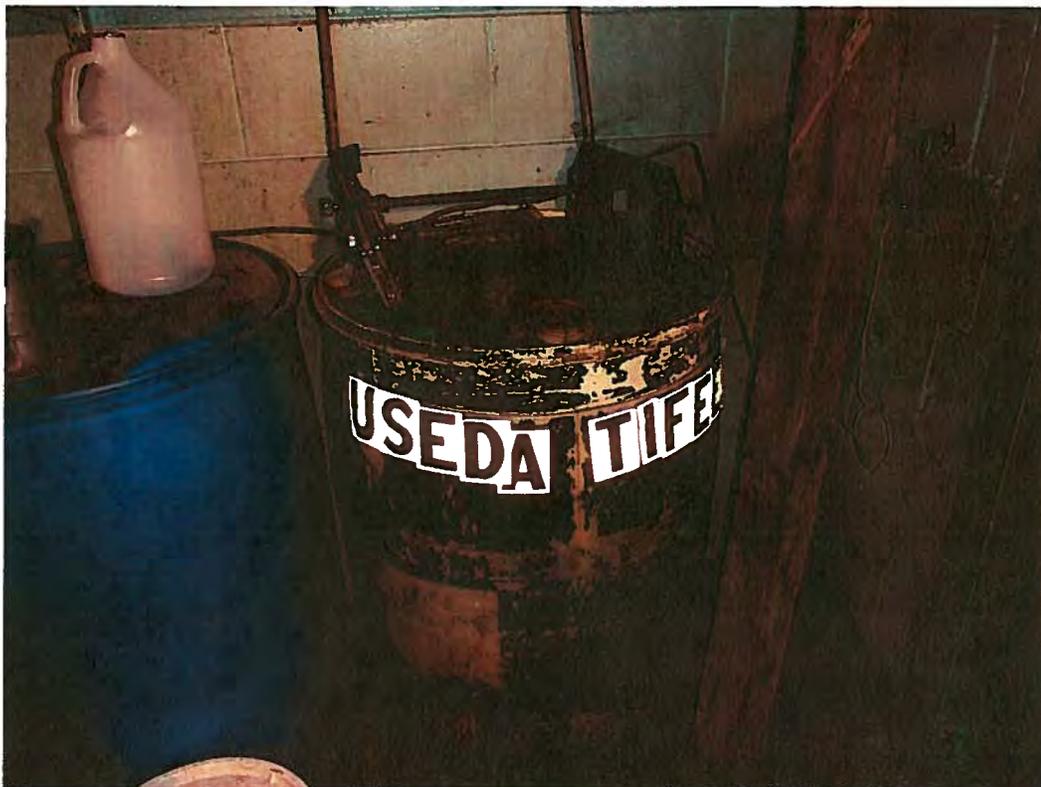
Date: 05/30/2013
Time: 10:21 A.M.
Direction: down
Photo by: Garrison Gross
Exposure #: 001
Comments: tire disposal receipt



Date: 05/30/2013
Time: 10:26 A.M.
Direction: down
Photo by: Garrison Gross
Exposure #: 002
Comments: tire invoice; in-state purchase



DIGITAL PHOTOGRAPHS



Date: 05/30/2013
Time: 10:30 A.M.
Direction: west
Photo by: Garrison Gross
Exposure #: 001
Comments: used antifreeze



Date: 05/30/2013
Time: 10:30 A.M.
Direction: west
Photo by: Garrison Gross
Exposure #: 006
Comments: used oil

File Names: 1010155024-05302013-[001-006].jpg

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JUL 16 2013

STATE OF ILLINOIS
Pollution Control Board

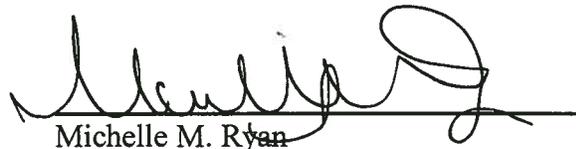
PROOF OF SERVICE

I hereby certify that I did on the 11th day of July 2013, 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: John K. Croslow
d/b/a Croslow's Auto Repair
1421 Lexington Avenue
Lawrenceville, IL 62439

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
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544