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OCT 22 2004

STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 20, 2004

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

Re: ***People v. Michael Collins, d/b/a C & R Construction***
PCB No. 05-14

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING and RESPONSE TO AFFIRMATIVE DEFENSE in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents to our office in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in cursive script that reads "Phillip McQuillan".

Phillip McQuillan
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

PM/pp
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

OCT 22 2004

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Complainant,)
)
vs.)
)
MICHAEL COLLINS, d/b/a C & R)
CONSTRUCTION,)
)
Respondent.)

PCB No. 05-14

NOTICE OF FILING

To: Michael Collins
22 Loisel
East St. Louis, IL 62201

R. Black
Attorney for Respondent
P.O. Box 1894
Fairview Heights, IL 62208


PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a RESPONSE TO AFFIRMATIVE DEFENSE, a copy of which is attached hereto and herewith served upon you.

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
Assistant Attorney General
Environmental Bureau

Phillip McQuillan
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: October 20, 2004

CERTIFICATE OF SERVICE

I hereby certify that I did on October 20, 2004, send by First Class 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 and RESPONSE TO AFFIRMATIVE DEFENSE:

To: Michael Collins
22 Loisel
East St. Louis, IL 62201

R. Black
Attorney for Respondent
P.O. Box 1894
Fairview Heights, IL 62208

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

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

Carol Sudman
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274



THOMAS DAVIS, Chief
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
MICHAEL COLLINS, d/b/a C & R)
CONSTRUCTION,)
)
Respondent.)

PCB NO.
(Enforcement)

RESPONSE TO AFFIRMATIVE DEFENSE

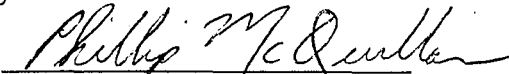
Complainant, the PEOPLE OF THE STATE OF ILLINOIS, by Lisa Madigan, Attorney General of the State of Illinois, responds to Respondent's affirmative defense and states as follows:

1. Complainant denies that a two year statute of limitations applies to the matters alleged herein and for authority cites *Pielet Bros. Trading, Inc., v. Pollution Control Board*, 110 Ill. App.3d 752, 442 N.E.2d 1374, 66 Ill.Dec. 461 (5th Dist. 1982).
2. Complainant denies "that the complaint fails to state a cause of action."

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: 
PHILLIP McQUILLAN
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: October 19, 2004