

JAN 03 2006

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 REX D. EVANS and ROY W. EVANS,)
 JR.,)
)
 Respondents.)

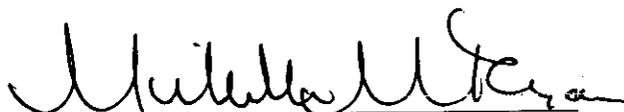
AC 06-16
 AC 06-17
 (IEPA No. 442-05-AC)
 (IEPA No. 443-05-AC)
 [unconsolidated]

NOTICE OF FILING

To: Amy L. Jackson
 Rammelkamp Bradney, P.C.
 232 West State Street
 P.O. Box 550
 Jacksonville, IL 62651-0550

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 COMPLAINANT'S RESPONSE TO MOTION TO CONSOLIDATE.

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: December 29, 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JAN 03 2006

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	AC 06-16
Complainant,)	AC 06-17
)	(IEPA No. 442-05-AC)
v.)	(IEPA No. 443-05-AC)
)	
REX D. EVANS and ROY W. EVANS,)	[unconsolidated]
JR.,)	
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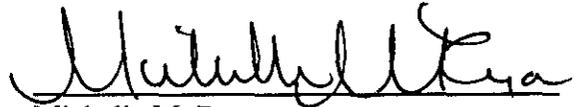
COMPLAINANT'S RESPONSE TO
MOTION TO CONSOLIDATE

NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Special Assistant Attorney General Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 101.406 and 101.500, and respectfully states as follows:

- (1) On December 13, 2005, Respondents filed a Motion to Consolidate in the above-captioned cases.
- (2) Complainant has no objection to the consolidation for the purpose of hearing, because it is in the interest of convenient, expeditious, and complete determination of claims in these cases.
- (3) Respondents claim in their motion that these two cases apply to a single facility (Motion, ¶2). This assertion of fact is contradicted by the initial pleadings in these two matters, and Complainant intends to contest this assertion at hearing.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board consolidate the pending actions against Respondents for purposes of hearing, and direct the parties to proceed to hearing on the contested issue of the singularity of the two sites.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant



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

PROOF OF SERVICE

I hereby certify that I did on the 29th day of December, 2005, send by U.S. Mail 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 **COMPLAINANT'S RESPONSE TO MOTION TO CONSOLIDATE**

To: Amy L. Jackson
Rammelkamp Bradney, P.C.
232 West State Street
P.O. Box 550
Jacksonville, IL 62651-0550

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail 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

THIS FILING SUBMITTED ON RECYCLED PAPER