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STATE OF ILLINOIS
Pollution Control Board

(IEPA Nos. 305-04-AC, 306-04-AC and 308-04-AC)

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 04-89
)	
v.)	(IEPA No. 305-04-AC)
)	
EARL and NORMA MARTIN,)	
)	
Respondents.)	

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 04-90
)	
v.)	(IEPA No. 306-04-AC)
)	
EARL and NORMA MARTIN,)	
)	
Respondents.)	

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 04-91
)	
v.)	(IEPA No. 308-04-AC)
)	
EARL and NORMA MARTIN,)	
)	
Respondents.)	

MOTION TO CONSOLIDATE
FOR PURPOSES OF HEARING

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) Pursuant to 35 Ill. Adm. Code 101.500(b) and 101.502, this motion is directed to the hearing officer.

(2) On June 24, 2004, Illinois EPA issued three Administrative Citations to the Respondents, based on inspections conducted by Jeff Port on May 7, 2004 (308-04-AC), May 10, 2004 (305-04-AC), and May 24, 2004 (306-04-AC) at the same property owned and operated by the Respondents.

(3) On July 27, 2004, Respondents filed petitions for review with this Board.

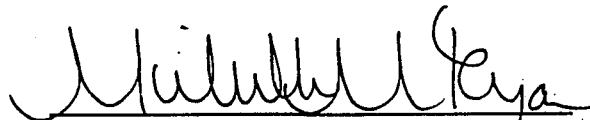
(4) The parties and property at issue in these three cases are identical, Illinois EPA's main witnesses are likewise identical, and the burdens of proof are identical.

(5) Consolidation for the purpose of hearing is in the interest of convenient, expeditious, and complete determination of claims in each of these cases.

(6) No material prejudice would be caused by consolidating these cases for hearing.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board consolidate the pending actions against Respondents for purposes of hearing.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

A handwritten signature in black ink, appearing to read "Michelle M. Ryan", written over a horizontal line.

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: November 15, 2004

PROOF OF SERVICE

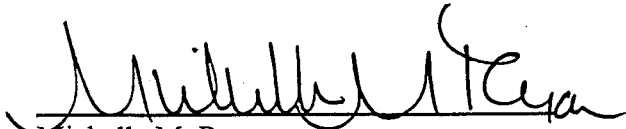
I hereby certify that I did on the 15th day of November 2004, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled MOTION TO CONSOLIDATE

To: Grant R. Gulovsen
Barash & Everett, LLC
256 South Soangetaha Road
Suite 108
Galesburg, Illinois 61402-1408

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

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

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