

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

GAUTSCHY'S CORNER,)	
)	
Petitioner,)	
)	
vs.)	
)	PCB No. 19-109
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	
)	
Respondent.)	

MOTION TO CONSOLIDATE

NOW COMES GAUTSCHY'S CORNER, by its attorneys, Robert M. Riffle, Esq. and Anne L. Mergen, Esq. of Riffle & Associates LLC, pursuant to 35 IAC 101.406, and as and for its Motion to Consolidate, states as follows:

1. Under Illinois Pollution Control Board ("Board") Rule 101.406, the Board "may consolidate two or more proceedings for the purpose of hearing or decision or both. The Board will consolidate the proceedings if consolidation is in the interest of convenient, expeditious, and complete determination of claims, and if consolidation would not cause material prejudice to any party. The Board will not consolidate proceedings where the burdens of proof vary." 35 IAC 101.406.

2. This case, PCB No. 19-109, involves the same parties and very similar factual issues as another pending, consolidated UST Appeal filed by Gautschy's Corner (PCB Nos. 18-56 and 18-60).

3. These Cases (PCB No. 19-109, 18-56, and 18-60) are all UST Appeals, and have the same burden of proof.

4. Consolidating this case (PCB No. 19-109) with the currently pending and consolidated appeals (PCB No. 18-56, and 18-60) allows for the convenient, expeditious, and complete determination of claims.

5. Consolidation would not cause material prejudice to the Illinois Environmental Protection Agency.

WHEREFORE, Petitioner respectfully requests that the aforementioned UST Appeals (PCB No. 19-109, 18-56, and 18-60) be consolidated.

Respectfully submitted,
GAUTSCHY'S CORNER, Petitioner

By: /s/ Anne L. Mergen
Anne L. Mergen
One of its Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 30, 2019, the foregoing document was electronically filed with the Illinois Pollution Control Board using the electronic filing system, which will send notification of such filing to the following:

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Illinois Pollution Control Board
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James G. Richardson
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/s/ Anne L. Mergen

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