

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

BANK OF PONTIAC,)	
)	
Petitioner,)	
)	
vs.)	LUST Appeal – Petition for Review and Hearing/Appeal PCB No. 20-48
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

MOTION TO CONSOLIDATE

NOW COMES the Bank of Pontiac and Midwest Environmental Consulting & Remediation Services, Inc. (“Midwest”) by their attorneys, Robert M. Riffle, Esq. and Anne L. Mergen, Esq., of Riffle & Associates LLC, pursuant to 35 IAC 101.406, and as and for their Motion to Consolidate, state 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. 20-48, involves the same parties and very similar factual issues as four other pending UST Appeals recently filed by Bank of Pontiac (PCB Nos. 20-49; 20-50; 20-51; and 20-52).


3. These Cases (PCB Nos. 20-48, 20-49, 20-50, 20-51, and 20-52) are all UST Appeals, and all have the same burden of proof.

4. These five Cases all relate to the same ongoing environmental remediation. As a result, similar and interrelated facts are at issue in all five cases. Therefore, consolidating these cases allows for a more convenient, expeditious, and complete determination of claims.

5. Further, consolidation would not cause material prejudice to the Illinois Environmental Protection Agency.

WHEREFORE, Petitioner respectfully requests that the aforementioned Appeals (PCB Nos. 20-48, 20-49, 20-50, 20-51, and 20-52) be consolidated into one case.

Respectfully submitted, Petitioners

By: 
Anne Mergen
One of Their Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 31, 2020, 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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/s/ Anne L. Mergen

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