

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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JUN 16 2003

STATE OF ILLINOIS  
*Pollution Control Board*

SWEARINGIN AMOCO, )

Petitioner )

v. )

PCB 03 - 156, PCB 03- 157, PCB 03-158 )

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Respondent )

**NOTICE OF FILING**

PLEASE TAKE NOTICE that the undersigned has caused to be filed with the Clerk of the Illinois Pollution Control Board the enclosed MOTION TO CONSOLIDATE in the above captioned cause, copies of which are herewith served upon you.

Dated: June 16, 2003

Swearingin Amoco

By: Carolyn S. Hesse  
One of Its Attorneys

Carolyn S. Hesse  
Barnes & Thornburg  
2600 Chase Plaza  
10 South LaSalle Street  
Chicago, Illinois 60603  
312-214-8301



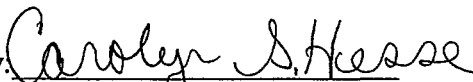
4. The three different Agency letters denying reimbursement apply to activities at the site, but cover differing periods of time and different costs and expenses related to the corrective action activities.
5. Because the factual basis of the three petitions are closely related, consolidating the three petitions into one proceeding will be more convenient to the Board, the Agency and Petitioner; consolidation will also result in a more expeditious and complete determination of the claims and would not cause material prejudice to any party. Further, consolidation of the claims will provide for a more efficient administration of justice and reduce duplication of efforts that would be required if the appeals were handled separately. The burden of proof for the three appeals is identical and will be based on nearly identical facts and background information.

WHEREFORE, Petitioner, Swearingin Amoco respectfully requests that the Board grant its motion to consolidate the three petitions filed on behalf of Swearingin Amoco on this date.

Dated: June 16, 2003

Respectfully submitted,

Swearingin Amoco

By:   
One of Its Attorneys

Carolyn S. Hesse  
Barnes & Thornburg  
2600 Chase Plaza  
10 South LaSalle Street  
Chicago, Illinois 60603  
312-214-8301

CERTIFICATE OF SERVICE


I, on oath state that I have served the attached Motion to Consolidate by placing a copy in  
an envelope addressed to:

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276

via U.S. mail this 16<sup>th</sup> day of June, 2003.

Dorothy Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 West Randolph Street  
Chicago, Illinois 60601

via hand delivery this 16<sup>th</sup> day of June, 2003.

  
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Carolyn S. Hesse