

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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JAN 29 2004

R.W. SHERIDAN OIL CO., INC.,)

Petitioner,)

vs.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. 03-88 AND

PCB No. 04-109

(UST Appeal)

NOTICE

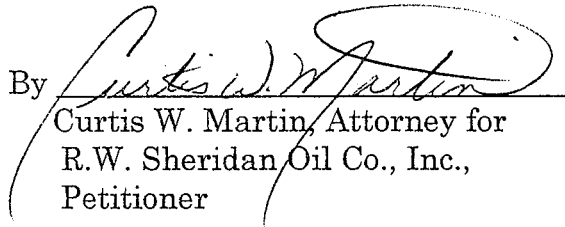
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, IL 62794-9276

Carol Sudman
Hearing Officer
Illinois Pollution Control Board
600 S. Second Street, Suite 402
Springfield, IL 62704

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a Motion to Consolidate, a copy of which is herewith served upon you.

By


Curtis W. Martin, Attorney for
R.W. Sheridan Oil Co., Inc.,
Petitioner

Curtis W. Martin
IL ARDC No. 06201592
SHAW & MARTIN, P.C.
Attorneys at Law
123 S. 10th Street, Suite 302
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MOTION TO CONSOLIDATE

Petitioner, R.W. Sheridan Oil Co., Inc., by its attorneys, Shaw & Martin, P.C., for its Motion to Consolidate, pursuant to 35 Ill. Adm. Code 101.406, states as follows:

1. On November 13, 2002, the Illinois Environmental Protection Agency ("Agency") issued a final decision to Sheridan regarding modification of a High Priority Corrective Action Plan and Budget involving primarily project manager time for which Sheridan filed a Petition for Review of Final Agency Leaking Underground Storage Tank Decision under PCB No. 03-88.

2. On November 26, 2003, the Agency issued a second final decision to Sheridan regarding the modification of an Amended High Priority Corrective Action Plan and Budget involving primarily additional project manager time for which Sheridan filed a second Petition for Review of Final Agency Leaking Underground Storage Tank Decision under PCB No. 04-109.

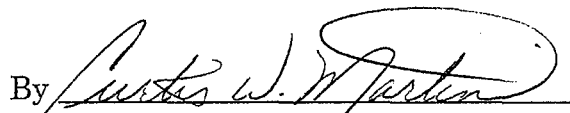
3. Each of the PCB causes concerns the project manager time included in the High Priority Corrective Action Plan and Budget and Amended High Priority Corrective Action Plan and Budget regarding remediation of contamination at the same owner/operator site.

4. The burden of proof in each cause is the same.

5. Consolidation of Cause Nos. PCB 03-88 and PCB 04-109 proceedings for the purpose of hearing and decision would be in the interest of convenient, expeditious, and complete determination of the claims.

6. Consolidation would not cause material prejudice to any party.

WHEREFORE, Petitioner, R.W. Sheridan Oil Co., Inc., prays that the Petitions for Review filed by Petitioner in PCB No. 03-88 and 04-109 be consolidated for hearing and decision and that Petitioner have such other and further relief as the Board deems appropriate.

By 
Curtis W. Martin, Attorney for
R.W. Sheridan Oil Co., Inc.,
Petitioner

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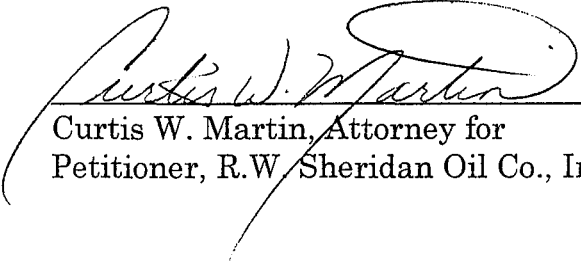
CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on January 27, 2004, I served true and correct copies of a Motion to Consolidate, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Mt. Vernon, Illinois, with sufficient postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

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Assistant Counsel
Special Assistant Attorney General
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Petitioner, R.W. Sheridan Oil Co., Inc.