

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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SEP 23 2004

STATE OF ILLINOIS
Pollution Control Board

JOHNSON OIL COMPANY, LLC,)
)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 04-183
(LUST Appeal)

NOTICE OF FILING

To:

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

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

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

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

PLEASE TAKE NOTICE that I have today, September 20, 2004, filed with the Clerk of the Illinois Pollution Control Board a MOTION TO COSOLIDATE, a copy of which is herewith served upon you through United States Mail return receipt requested.

Respectfully Submitted,

PLEWS SHADLEY RACHER & BRAUN



F. Ronalds Walker, Atty No. 2922223
PLEWS SHADLEY RACHER & BRAUN
1346 N. Delaware Street
Indianapolis, Indiana 46202
Ph: (317) 637-0700
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MOTION TO CONSOLIDATE

Petitioner, Johnson Oil Company, LLC ("Johnson Oil"), files its Motion to Consolidate Underground Storage Tank ("UST") Fund cases Johnson Oil v. Illinois Environmental Protection Agency, PCB No. 04-190 and Johnson Oil v. Illinois Environmental Protection Agency, PCB No. 04-183 and requests that the Hon. Carol Sudman, Hearing Officer, Illinois Pollution Control Board ("Board") hear both cases. In support of its motion Johnson Oil states:

1. On August 20, 2004, Johnson Oil filed its Amended Petition for Review for its property located at 901 Vermillion Street, Danville, Vermillion County, Illinois under Cause No. PCB 04-183 ("Danville Petition").
2. On August 24, 2004, Johnson Oil filed its Amended Petition for Review for its property located at 629 West Champagne Road, Rantoul, Champagne County, Illinois, under Cause No. PCB 04-190 ("Rantoul Petition").
3. Johnson Oil's Rantoul Petition was assigned to the Hon. Bradley P. Halloran, Hearing Officer for the Board with his office located in Chicago, Illinois. However, Johnson Oil's Danville Petition was assigned to the Hon. Carol Sudman, Hearing Officer for the Board, with her office located in Springfield, Illinois.

4. Because Johnson Oil's Danville and Rantoul Petitions involve similar facts and legal issues, Johnson Oil requests that its Rantoul Petition under Cause No. PCB 04-190 be consolidated with its Danville Petition under Cause No. PCB 04-183. Johnson Oil also requests that the Hon. Carol Sudman serve as the Hearing Officer for both cases. Consolidating the two Petitions will avoid unnecessary duplication of pleadings and save scarce judicial resources.

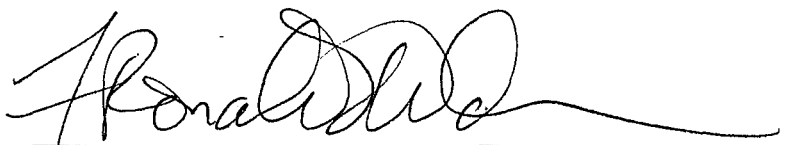
5. A Status Conference was held for Johnson Oil's Danville Petition under Cause No. PCB 04-183 and the Hon. Carol Sudman agreed to serve as hearing officer for both cases. The Agency's attorney, John Kim, was also informed of this motion to consolidate but has not yet indicated whether the Agency agrees to this motion.

6. Johnson Oil agrees to hold any hearings for both cases at the office of the Hon. Carol Sudman in Springfield, Illinois.

WHEREFORE, Petitioner, Johnson Oil Company, LLC, requests that the Illinois Pollution Control Board grant its Motion to Consolidate the case Johnson Oil v. Illinois Environmental Protection Agency, PCB No. 04-190 with the case Johnson Oil v. Illinois Environmental Protection Agency, PCB No. 04-183 and requests that the Hon. Carol Sudman serve as the Hearing Officer for both cases.

Respectfully Submitted,

PLEWS SHADLEY RACHER & BRAUN



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PLEWS SHADLEY RACHER & BRAUN
1346 N. Delaware Street
Indianapolis, Indiana 46202
Ph: (317) 637-0700
Fax: (317) 637-0712

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on September 20, 2004, I served true and correct copies of the 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 box with sufficient postage affixed thereto, upon the following named persons:

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

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