

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAY 01 2006

STATE OF ILLINOIS
Pollution Control Board

ARYLN D. FISK, d/b/a
ARLYN FISK'S SERVICE CENTER,
Petitioner,

v.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

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)
) PCB 06-130 & PCB 06-145
) (UST appeal)
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NOTICE OF FILING AND PROOF OF SERVICE

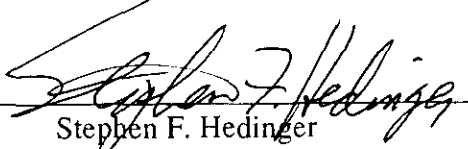
The undersigned certifies that an original and nine copies of the foregoing Motion to Consolidate, and of this Notice of Filing and Proof of Service, were served upon the Clerk of the Illinois Pollution Control Board, and one copy to the following party of record and one copy to the following hearing officer in this cause by enclosing same in an envelope addressed to:

To: Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, IL 60601-3218

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

Division of Legal Counsel -
Attn. Melanie Jarvis
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box in Springfield, Illinois before 5:30 p.m. on the ~~27th~~ day of April, 2006.


Stephen F. Hedinger

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2601 South Fifth Street
Springfield, IL 62703
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ARYLN D. FISK, d/b/a)
ARLYN FISK'S SERVICE CENTER,)
Petitioner,)
)
v.) PCB 06-130
) PCB 06-145
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

MOTION TO CONSOLIDATE

NOW COMES Petitioner, ARLYN D. FISK, d/b/a ARLYN FISK'S SERVICE CENTER, through his undersigned attorney, and pursuant to this Board's procedural rule 101.406, 35 Ill. Adm. Code 101.406, moves this Board to consolidate the two pending appeals from decisions of the Respondent, Illinois Environmental Protection Agency ("IEPA") (cases PCB 06-130 and PCB 06-145) for purposes of hearing. In support of this motion, Petitioner states as follows:

1. These cases are appeals from IEPA's decisions on leaking underground storage tank matters.
2. The facility at issue, including its remediation, the leaking underground storage tank incident numbers, consultants involved, and all other relevant information are identical in these cases, PCB 06-130 and PCB 06-145. Moreover, the records in these cases are identical, as well.
3. The issues on review differ only slightly, and all other aspects of these cases, PCB 06-130 and PCB 06-145, are identical, and therefore consolidation is in the interest of convenient, expeditious, and complete determination of both claims, and will benefit both parties, and prejudice none.

4. In addition, as the parties have advised the hearing officer, a settlement of both cases has been reached in principal. Full consummation of the settlement must await final payment of the agreed claim from the leaking underground storage tank fund, but upon that consummation both cases can be dismissed. For administrative convenience these two cases should be monitored together during the pendency of the settlement consummation. Petitioner is filing open waivers of the decision deadlines in both cases this day.

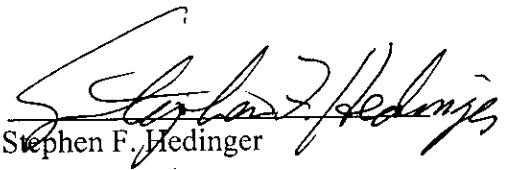
5. Accordingly, consolidation is appropriate as provided by 35 Ill. Adm. Code 101.406.

WHEREFORE, Petitioner, ARLYN D. FISK, d/b/a ARLYN FISK'S SERVICE CENTER, requests that this Board consolidate cases PCB 06-130 and PCB 06-145.

Respectfully submitted,

ARLYN D. FISK, d/b/a ARLYN FISK'S
SERVICE CENTER
Petitioner,

By his undersigned attorney,

By: 
Stephen F. Hedinger

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