

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DISTRESSED PROPERTIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 16 -- 032
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To:	John Therriault, Clerk	Scott B. Sievers
	Illinois Pollution Control Board	Special Assistant Attorney General
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	Suite 11-500	1021 North Grand Avenue East
	Chicago, Illinois 60601	P.O. Box 19276
		Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on this 23rd day of July 2015, the following was filed electronically with the Illinois Pollution Control Board: **Petitioner Distressed Properties, Inc.'s Motion to Consolidate**, which is attached and herewith served upon you.

DISTRESSED PROPERTIES, INC.

By: s/Elizabeth S. Harvey
One of its attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, state that a copy of the above-described document was served electronically upon all counsel of record on July 23, 2015.

s/Elizabeth S. Harvey

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DISTRESSED PROPERTIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 16--032
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

MOTION TO CONSOLIDATE

Petitioner DISTRESSED PROPERTIES, INC. ("DPI"), by its attorneys Swanson, Martin & Bell, LLP, moves the Board to consolidate this petition for review with the currently-pending appeal *Distressed Properties, Inc. v. Illinois Environmental Protection Agency*, PCB 15-108. This motion is brought pursuant to Section 101.406 of the Board's procedural rules.

1. This appeal seeks review of the Illinois Environmental Protection Agency's ("Agency") June 18, 2015 decision regarding DPI's application for payment of costs from the Underground Storage Tank ("UST") Fund. The June 18 decision grew out of additional discussion of costs denied by the Agency in a November 26, 2014 decision. DPI appealed the November 26, 2014 decision, and that appeal is pending before the Board as *Distressed Properties, Inc. v. Illinois Environmental Protection Agency*, PCB 15-108 ("*Distressed Properties I*").
2. In an effort to resolve differences, DPI submitted additional information to the Agency following the November 2014 denial. On June 18, 2015, the Agency

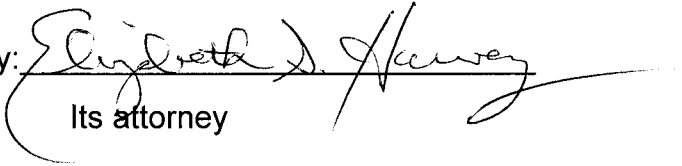
issued its additional decision, approving payment of some, but not all, of the costs at issue in *Distressed Properties I*.

3. On July 22, 2015, DPI filed this petition for review of the Agency's June 18, 2015 decision. That petition is *Distressed Properties, Inc. v. Illinois Environmental Protection Agency*, PCB 16-032 ("*Distressed Properties II*").
4. The two appeals both arise from Agency decisions on the same application for reimbursement. The issues presented differ only in the specific amount approved. Consolidating the two appeals will allow for efficient, convenient, and complete determinations of all claims. Consolidation will allow the two proceedings to proceed together. If not consolidated, there will be two almost identical status conferences and hearings as the cases proceed.
5. If the two appeals are consolidated, DPI will ensure that the decision deadlines in each case are extended together, so there will not be different decision deadlines.
6. Consolidation will not cause prejudice to any party. In fact, consolidation will assist all parties, the hearing officer, and the Board in an efficient resolution of the appeals.
7. Counsel for DPI has discussed this motion to consolidate with counsel for the Agency. Counsel for the Agency has no objection to this motion.

WHEREFORE, DPI asks the Board to consolidate this appeal, *Distressed Properties II*, PCB 16-032, with the pending appeal *Distressed Properties I*, PCB 15-108, and for such other relief as the Board deems appropriate.

Respectfully submitted,

DISTRESSED PROPERTIES, INC.

By: 
Its attorney

Dated: July 23, 2015

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