

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

VILLAGE OF WILMETTE,)	
Petitioner,)	
)	PCB No. 07-027
)	PCB No. 07-048
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

MOTION TO CONSOLIDATE

The Petitioner, the Village of Wilmette ("Village"), pursuant to 35 Ill. Adm. Code 101.406, hereby moves this Board to consolidate the above-captioned matters. In support thereof the Village states as follows:

1. Currently pending are two appeals involving a challenge by the Village of related IEPA decisions regarding cost reimbursement under the LUST program for corrective action completed at the Village's site located at 710 Ridge Road, Wilmette, Illinois. The appeals involve the same parties, the same site and would not materially prejudice either party. In addition, the burdens of proof in both matters are the same.
2. PCB 07-27 involves IEPA's September 14, 2006 denial of the Village's High Priority Corrective Action Plan Budget amendment. PCB 07-48 involves IEPA's subsequent denial, dated November 13, 2006, of the Village's request for reimbursement of the costs for the remediation work associated with that amendment.
3. The Village's budget amendment was not approved based upon IEPA's contention that such review was precluded under 35 Ill. Adm. Code 732.405(d) because the Village's budget amendment had been submitted after the issuance of an NFR letter for the site. Accordingly, notwithstanding that the Village was seeking approximately \$48,000.00 less than the total approved budget, since the budget amendment relating to variations within subcategories was not approved, IEPA did not approve the Village's final request for reimbursement as submitted.
4. As such, any decision in PCB 07-48 is dependent upon and intertwined with the decision in 07-27. Therefore, consolidation would be in the interest of convenience and complete determination of the claims.
5. Counsel for IEPA has no objection to the Village's motion for consolidation.

SERVICE LIST

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

Greg Richardson
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

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

PLEASE TAKE NOTICE that on January 18, 2007, I have filed with the office of the Clerk of the Pollution Control Board an **MOTION TO CONSOLIDATE**, a copy of which is herewith served upon you.


Mary Beth Cyze, Esq.

WHEREFORE, the Village of Wilmette respectfully requests that this Board consolidate, for purposes of hearing and decision, the matter of PCB 07-27 and PCB 07-48.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary Beth Cyze".

VILLAGE OF WILMETTE,
Petitioner

Dated: January 18, 2007
Mary Beth Cyze, Esq.
Assistant Corporation Counsel
Village of Wilmette
1200 Wilmette Avenue
Wilmette, IL 60091
847/853-7505