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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DEC 12 2003

ILLINOIS STATE TOLL HIGHWAY )  
AUTHORITY (Belvidere North CAP), )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Respondent. )

STATE OF ILLINOIS  
Pollution Control Board

PCB - 04-11  
(UST Appeal)

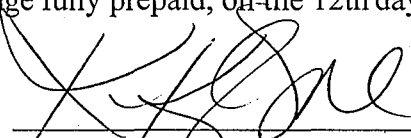
**NOTICE OF FILING AND PROOF OF SERVICE**

TO: Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board  
P.O. Box 19274  
1021 North Grand Avenue, East  
Springfield, Illinois 62704

John Kim  
Special Assistant Attorney General  
Illinois Environmental Protection Agency  
P.O. Box 19276  
1021 North Grand Avenue, East  
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on December 12, 2003, we filed with the Clerk of the Illinois Pollution Control Board the originals and nine (9) copies each, via personal delivery, of Petitioner's Motion to Consolidate, for filing in the above-entitled cause, copies of which are attached hereto.

The undersigned hereby certifies that true and correct copies of the Notice of Filing, together with copies of the documents described above, were served upon the above-named persons by enclosing same in envelopes addressed to said persons, and by depositing said envelopes in a United States Post Office Mail Box at Chicago, Illinois, with postage fully prepaid, on the 12th day of December, 2003.

  
Special Assistant Attorney General,  
Illinois State Toll Highway Authority

Kenneth W. Funk, Esq.  
Phillip J. Zisook, Esq.  
Karen Kavanagh Mack, Esq.  
Special Assistant Attorney Generals  
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THIS FILING IS SUBMITTED ON RECYCLED PAPER

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MOTION TO CONSOLIDATE FOR PURPOSES OF HEARING AND DECISION

NOW COMES the Petitioner, the Illinois State Toll Highway Authority ("ISTHA"), by Kenneth Funk, Phillip Zisook and Karen Kavanagh Mack, Special Assistant Attorneys General, and pursuant to 35 Ill. Adm. Code 101.406 respectfully states as follows:

1. On June 13, 2003, the Illinois Environmental Protection Agency ("Agency") modified ISTHA's corrective action plan and budget and rejected ISTHA's high priority corrective action completion report for the Belvidere North Oasis.

2. On November 6, 2003, the Board accepted PCB 04-10 (Belvidere North CACR) and PCB 04-11 (Belvidere North CAP) for hearing.

3. Section 101.406 of the Board procedural rules provides:

The Board will consolidate [two or more] proceedings if consolidation is in the interest of convenient, expeditious, and complete determination of claims, and if consolidation would not cause material prejudice to any party. The Board will not consolidate proceedings where the burdens of proof vary. 35 Ill. Adm. Code 101.406.

4. The parties in PCB 4-10 (Belvidere North CACR) and PCB 04-11 (Belvidere North CAP) are the same, the burdens of proof are identical and the corrective action completion report is intertwined with the corrective action plan and budget.

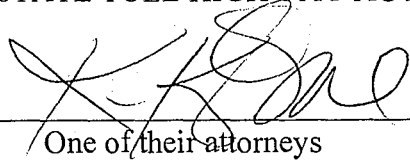
5. A consolidation is in the interest of convenient, expeditious, and complete determination of claims, and consolidation would not cause material prejudice to any party.

WHEREFORE, ISTHA respectfully requests the Board consolidate the PCB 04-10 and PCB 04-11 for hearing and decision.

Respectfully submitted,

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

By:



One of their attorneys

Kenneth W. Funk, Esq.  
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