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MAR 12 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

HANNEL OIL COMPANY, )  
)  
Petitioner, )  
)  
v. )  
)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

PCB 03-24, PCB 03-25  
PCB 04-158  
UST Fund Appeal

NOTICE OF FILING

<b>TO:</b> John Kim Special Assistant Attorney General Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276	Carol Sudman Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, Illinois 62794-9274
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PLEASE TAKE NOTICE that on March 12, 2004, filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copy of a Motion to Consolidate.

Dated: March 12, 2004

Respectfully submitted,

**Hannel Oil Company**

By: Carolyn S. Hesse  
One of Its Attorneys

Carolyn S. Hesse  
**Barnes & Thornburg**  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312) 357-1313  
176732v1

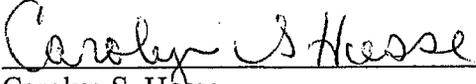
**CERTIFICATE OF SERVICE**

I, on oath state that I have served the attached Motion to Consolidate by placing a copy in an envelope addressed to:

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

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

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 12<sup>th</sup> Day of March, 2004.

  
\_\_\_\_\_  
Carolyn S. Hesse

**BEFORE THE POLLUTION CONTROL BOARD  
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**MOTION TO CONSOLIDATE**

NOW COMES Hannel Oil Company by one of its attorneys, Carolyn Hesse of Barnes & Thornburg, pursuant to 35 Ill. Adm. Code 101.406 and hereby moves to consolidate an appeal that is being filed on this date with two appeals of Illinois Environmental Protection Agency ("Agency") decisions that were filed on November 27, 2002. In support of this motion, Petitioner states as follows:

1. Two underground storage tank (UST) appeals were filed on November 17, 2002. The case numbers are: PCB 03-24 and PCB 03-25 and these cases were previously consolidated.
2. One additional UST appeal arising from the same site is being filed at the same time as this Motion to Consolidate.
3. All of these appeals involve a denial of reimbursement of costs from the Leaking Underground Storage Tank Trust Fund to perform corrective action activities at property located at 802 West Morton, Jacksonville, Morgan County, Illinois. This property is owned by Hannel Oil Company.
4. All three appeals are related to corrective action activities for the same underground storage tanks that leaked.

5. The three Agency letters denying reimbursement apply to activities at the site, but cover differing periods of time and different costs and expenses related to the corrective action activities.
6. Because the factual basis of the three petitions are closely related, consolidating the one petition that was most recently filed into one proceeding with the consolidated cases will be more convenient to the Board, the Agency and Petitioner. Consolidation will also result in a more expeditious and complete determination of the claims and would not cause material prejudice to any party. Further, consolidation of the claims will provide for a more efficient administration of justice and reduce duplication of efforts that would be required if the appeals were handled separately. The burden of proof for the three appeals is identical and will be based on nearly identical facts and background information.

WHEREFORE, Petitioner, Hannel Oil Company respectfully requests that the Board grant its Motion to Consolidate the one petition filed on behalf of Hannel Oil Company on this date and the previously pending appeals.

Dated: March 12, 2004

Respectfully submitted,

**Hannel Oil Company**

By: Carolyn S. Hesse  
One of Its Attorneys

Carolyn S. Hesse, Esq.  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312) 357-1313  
209279v1