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BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

JUN 1 6 2003

SWEARINGIN AMOCO,	STATE OF ILLINOIS Pollution Control Board
)
Petitioner)
)
v.) PCB 03 - 156, PCB 03- 157, PCB 03-158
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent)

NOTICE OF FILING

PLEASE TAKE NOTICE that the undersigned has caused to be filed with the Clerk of the Illinois Pollution Control Board the enclosed MOTION TO CONSOLIDATE in the above captioned cause, copies of which are herewith served upon you.

Dated: June 16, 2003

Swearingin Amoco

One of Its Autorneys

Carolyn S. Hesse Barnes & Thornburg 2600 Chase Plaza 10 South LaSalle Street Chicago, Illinois 60603 312-214-8301

BEFORE THE POLLUTION CONTROL BOARD RECEIVED OF THE STATE OF ILLINOIS CLERK'S OFFICE

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SWEARINGIN AMOCO,)	STATE OF ILLINOIS
Petitioner)	Pollution Control Board
v.)	PCB 03 - 156, PCB 03- 157, PCB 03-158
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ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent)	

MOTION TO CONSOLIDATE

NOW COMES Swearingin Amoco by one of its attorneys, Carolyn Hesse of Barnes & Thornburg, pursuant to 35 Ill. Adm. Code 101.406 and hereby moves to consolidate three appeals of Illinois Environmental Protection Agency ("Agency") decisions that were filed on June 16, 2003. In support of this motion, Petitioner states as follows:

- 1. Three underground storage tank appeals were filed on June 16, 2003. The case numbers are: PCB 03 156, PCB 03- 157, and PCB 03-158.
- 2. All three 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 503 South State St., Jerseyville, Jersey County, Illinois. This
 property is owned by Swearingin Services, Inc. d/b/a Swearingin Amoco.
- 3. The corrective action activities related to all appeals are related to corrective action activities for the same underground storage tanks that leaked.

4. The three different 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.

5. Because the factual basis of the three petitions are closely related, consolidating

the three petitions into one proceeding 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, Swearingin Amoco respectfully requests that the Board grant

its motion to consolidate the three petitions filed on behalf of Swearingin Amoco on this date.

Dated: June 16, 2003

Respectfully submitted,

Swearingin Amoco

One of Its Altorneys

Carolyn S. Hesse Barnes & Thornburg 2600 Chase Plaza 10 South LaSalle Street Chicago, Illinois 60603 312-214-8301

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:

Illinois Environmental Protection Agency Division of Legal Counsel 1021 North Grand Avenue East Springfield, Illinois 62794-9276

via U.S. mail this 16th day of June, 2003.

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

via hand delivery this 16th day of June, 2003.

Carolyn S Hesse