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APR 29 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS STATE TOLL HIGHWAY)
AUTHORITY (Des Plaines South),)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

PCB - 04-119
(UST Appeal)

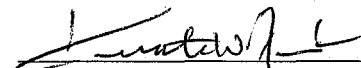
NOTICE OF FILING AND PROOF OF SERVICE

TO: Brad Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph, Ste. 11-500
Chicago, IL 60601

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 April 29, 2004, 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 29 day of April, 2004.


Special Assistant Attorney General,
Illinois State Toll Highway Authority

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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, November 18, 2003, the Illinois Environmental Protection Agency ("Agency") approved ISTHA's Corrective Action Plan, but modified the Budget for the Des Plaines South Oasis. Additionally, on December 4, 2003, the Agency rejected ISTHA's High Priority Corrective Action Completion Report for the Des Plaines South Oasis.

2. On April 1, 2004, the Board accepted ISTHA's Petition relating to the Corrective Action Plan and Budget, PCB 04-103 (Des Plaines South) for hearing; and on April 15, 2004, the Board accepted ISTHA's Petition relating to the Corrective Action Completion Report, PCB 04-119 (Des Plaines South) 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.

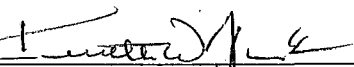
4. The parties in PCB 04-103 and PCB 04-119 are the same, the burdens of proof are identical and the facts relating to the Corrective Action Plan and Budget are materially similar to those relating to the Corrective Action Completion Report.

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 04-103 and PCB 04-119 for hearing and decision.

Respectfully submitted,

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

By: 
One of their attorneys

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