

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

JUL 14 2003

OWENS OIL COMPANY,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

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PCB 03 - 192, PCB 03 - 194, PCB 03 - 195,
PCB 03 - 196, PCB 03 - 197, PCB 03 - 203

STATE OF ILLINOIS
Pollution Control Board

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: July 14, 2003

Owens 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

CERTIFICATE OF SERVICE

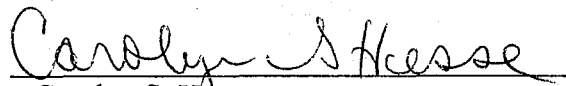
I, on oath state that I have served the attached Motion to Consolidate by placing a copy in an envelope addressed to:

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

via U.S. mail this 14th day of July, 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 14th day of July, 2003.


Carolyn S. Hesse

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OWENS OIL COMPANY,)	
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v.)	PCB 03 - 192, PCB 03 - 194, PCB 03 - 195,
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ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

MOTION TO CONSOLIDATE

NOW COMES Owens 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 six appeals of Illinois Environmental Protection Agency ("Agency") decisions that were filed on July 11 and 14, 2003. In support of this motion, Petitioner states as follows:

1. Two underground storage tank appeals were filed on July 11, 2003; the case numbers are: PCB 03 - 192 and PCB 03 - 194. Four underground storage tank appeals were filed on July 14, 2003; the case numbers are PCB 03 - 195, PCB 03 - 196, PCB 03 - 197 and PCB 03 - 203.

2. All six 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 401 North Main, Greenfield, Green County, Illinois. This property is owned by Owens Oil Company ("Owens").

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 six 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 six petitions are closely related, consolidating the six 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 six appeals is identical and will be based on nearly identical facts and background information.

WHEREFORE, Petitioner, Owens Oil Company respectfully requests that the Board grant its motion to consolidate the six petitions filed on behalf of Owens Oil Company on this date.

Dated: July 14, 2003

Respectfully submitted,

Owens Oil Company

By: Carolyn S. Hesse
One of Its Attorneys

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