

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

OCT 31 2006

STATE OF ILLINOIS
Pollution Control Board

KNAPP OIL COMPANY,)
DON'S 66,)
)
Petitioner,)
)
v.) PCB 06-52
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

NOTICE OF FILING

TO: Melanie A. Jarvis Carol Webb
Assistant Counsel Hearing Officer
Division of Legal Counsel Illinois Pollution Control Board
1021 North Grand Avenue East 1021 North Grand Avenue East
P.O. Box 19276 P.O. Box 19274
Springfield, IL 62794-9276 Springfield, IL 62794-9274

PLEASE TAKE NOTICE that on October 31, 2006 filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copy of a Petitioner's Agreed Motion for Extension of Time to File Response in Opposition to Motion for Summary Judgment.

Dated: October 31, 2005

Respectfully submitted,

Knapp Oil Company, Don's 66

By: Carolyn S. Hesse
One of Its Attorneys

Carolyn S. Hesse
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313
299865v1

[This filing submitted on recycled paper as defined in 35 Ill. Adm. Code 101.202]

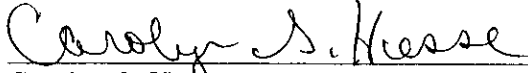
CERTIFICATE OF SERVICE

I, on oath state that I have served the attached Petitioner's Agreed Motion for Extension of Time to File Response in Opposition to Motion for Summary Judgment by placing a copy in an envelope addressed to:

Melanie A. Jarvis
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

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

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 31st Day of October, 2006.



Carolyn S. Hesse

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

RECEIVED
CLERK'S OFFICE

OCT 31 2006

STATE OF ILLINOIS
Pollution Control Board

KNAPP OIL COMPANY,)	
DON'S 66,)	
)	
Petitioner,)	
)	
v.)	PCB 06-52
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

**PETITIONER'S AGREED MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**

Petitioner, Knapp Oil Company ("Knapp"), by its counsel Barnes & Thornburg, LLP, and pursuant to 35 Ill. Adm. Code 101.516(a), moves the Board for an extension of time to file its Response in Opposition to the Illinois Environmental Protection Agency's ("IEPA") Motion for Summary Judgment. In support of its Motion, Knapp states as follows:

1. On October 17, 2005, Knapp filed a Petition for Review of Illinois Environmental Protection Agency Decision based on IEPA's rejection of a High Priority Corrective Action Plan and Budget on September 21, 2005.

2. On September 21, 2006, IEPA filed a Motion for Summary Judgment, seeking that the Board affirm IEPA's decision. According to 35 Ill. Adm. Code 101.516(a), Knapp's response to IEPA's Motion was due by October 5, 2006.

3. On October 5, 2006, with the agreement of IEPA, Knapp filed a Motion for Extension of Time to File a Response in Opposition to IEPA's Motion for Summary Judgment.

4. On October 11, 2006, the Board granted Knapp's motion and allowed an extension of time for Knapp to file its response to IEPA's Motion for Summary Judgment to November 2, 2006.

5. Due to the fact that counsel for Knapp will be engaged in conducting expedited discovery and preparing for a hearing on a separate case before the Board, Knapp will need an additional two weeks to respond to IEPA's Motion for Summary Judgment.

6. IEPA agrees to the extension of time sought in this Motion.

WHEREFORE, Knapp Oil Company requests that the Board grant this Motion, allow Knapp an additional fourteen (14) days to file its Response in Opposition to IEPA's Motion for Summary Judgment up to and including November 16, 2006, and grant all relief it deems fair and just.

Respectfully submitted,

Knapp Oil Company, Don's 66

By: Carolyn S Hesse
One of Its Attorneys

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