

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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NOV 16 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  
Assistant Counsel  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, IL 62794-9276


**PLEASE TAKE NOTICE** that on November 16, 2006, there was filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois, an original, executed copy of the **PETITIONER'S AGREED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**, of the Knapp Oil Company, copies of which are herewith served upon you.

Dated: November 16, 2006

Respectfully submitted,

**Knapp Oil Company, Don's 66**

By:

  
\_\_\_\_\_  
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

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**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. On October 31, 2006, with the agreement of IEPA, Knapp filed a second Motion for Extension of Time to File a Response in Opposition to IEPA's Motion for Summary Judgment.

6. On November 2, 2006, the Board granted Knapp's second motion and allowed an extension of time for Knapp to file its response to IEPA's Motion for Summary Judgment to November 16, 2006.

7. Due to the fact that counsel for Knapp will be engaged in preparing for a hearing on November 20, 2006 in a separate case before the Board, Knapp will need additional time to respond to IEPA's Motion for Summary Judgment, up to and including December 8, 2006.

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

WHEREFORE, Knapp Oil Company requests that the Board grant this Motion, allow Knapp up to and including December 8, 2006 to file its response to IEPA's Motion for Summary Judgment, and grant all relief it deems fair and just.

Respectfully submitted,

**KNAPP OIL COMPANY, DON'S 66**

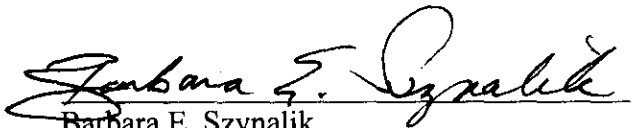
By: Carolyn S. Hesse  
One of Its Attorneys

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David T. Ballard  
**Barnes & Thornburg LLP**  
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Chicago, Illinois 60606  
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**PROOF OF SERVICE**

I, the undersigned, a non-attorney, certify, under penalties pursuant to 735 ILCS 5/1-109, that I caused to be served the attached **NOTICE OF FILING** and **PETITIONER'S AGREED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**, via U.S. Mail, this 16th day of November, 2006, upon the following:

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

  
Barbara E. Szynalik