

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

NIEBRUGGE OIL COMPANY,     )  
    Petitioner,                     )  
    v.                                     )  
   )  
ILLINOIS ENVIRONMENTAL     )  
PROTECTION AGENCY,            )  
    Respondent.                     )

PCB 10-37  
(LUST Permit Appeal)

**NOTICE OF FILING AND PROOF OF SERVICE**

TO:   John T. Therriault, Clerk                     Carol Webb  
      Illinois Pollution Control Board             Hearing Officer  
      100 West Randolph Street                   Illinois Pollution Control Board  
      State of Illinois Building, Suite 11-500   1021 N. Grand Avenue East  
      Chicago, IL 60601                           P.O. Box 19274  
   Springfield, IL 62794-9274

Melanie Jarvis  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a Waiver of Decision Deadline, a copy of which is herewith served upon the hearing officer and upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon the hearing officer and counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys and to said hearing officer with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office mailbox in Springfield, Illinois on the 9<sup>th</sup> day of November, 2010.

Respectfully submitted,  
NIEBRUGGE OIL COMPANY, Petitioner

BY:   MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY:   /s/ Patrick D. Shaw

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**WAIVER OF DEADLINE FOR DECISION**

NOW COMES Petitioner, Niebrugge Oil Company, by its undersigned attorney, pursuant to Section 101.308(c)(1) of the Board's Procedural Rules, 35 Ill. Adm. Code 101.308(c)(1), hereby waives its right to a decision within 180 days of filing, as provided in Section 40(a)(2) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(2)), provided that such final action be taken by May 6, 2011.

Respectfully submitted,

NIEBRUGGE OIL COMPANY, Petitioner,

By: MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw

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THIS FILING SUBMITTED ON RECYCLED PAPER