

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

EVERGREEN FS, INC.,)
 Petitioner,)
 v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
 Respondent.)

PCB 11-51
(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 28th day of March, 2011.

Respectfully submitted,
EVERGREEN FS, INC., Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: /s/ Patrick D. Shaw

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WAIVER OF DEADLINE FOR DECISION

NOW COMES Petitioner, Evergreen FS, Inc., 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 September 15, 2011.

Respectfully submitted,
EVERGREEN FS, INC., Petitioner,

By: MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw

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THIS FILING SUBMITTED ON RECYCLED PAPER