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

EVERGREEN FS, INC.,	)	
Petitioner,	)	
v.	)	PCB 11-51
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

## NOTICE OF FILING AND PROOF OF SERVICE

TO: John T. Therriault, Clerk Illinois Pollution Control Board 100 West Randolph Street State of Illinois Building, Suite 11-500

1021 N. Grand Avenue East Chicago, IL 60601

P.O. Box 19274

**Hearing Officer** 

Carol Webb

Springfield, IL 62794-9274

Illinois Pollution Control Board

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 24th day of October, 2011.

> Respectfully submitted, EVERGREEN FS, INC., Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: /s/ Patrick D. Shaw

MOHAN, ALEWELT, PRILLAMAN & ADAMI 1 North Old Capitol Plaza, Suite 325 Springfield, IL 62701-1323

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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 April 19, 2012.

Respectfully submitted, EVERGREEN FS, INC., Petitioner,

By: MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw

MOHAN, ALEWELT, PRILLAMAN & ADAMI 1 N. Old Capitol Plaza, Suite 325 Springfield, IL 62701-1323

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C:\Mapa\EMI\Evergreen FS\Waiver of Decision Deadline 10-24-11.wpd/lck 10/24/11 2:09 pm

THIS FILING SUBMITTED ON RECYCLED PAPER