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OCT 04 2006

STATE OF ILLINOIS
Pollution Control Board

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

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

NOTICE OF FILING

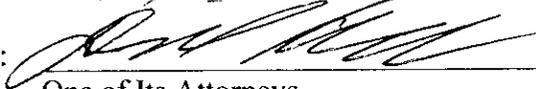
To: Melanie A. Jarvis
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on October 4, 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 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: October 4, 2006

Respectfully submitted,

Knapp Oil Company, Don's 66

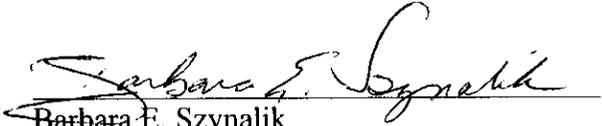
By: 
One of Its Attorneys

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

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 MOTION FOR EXTENSION OF TIME TO FILE RESPONSE IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**, via U.S. Mail, this 4th day of October, 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

BEFORE THE POLLUTION CONTROL BOARD
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**PETITIONER'S 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 is due by October 5, 2006.

3. Due to the fact that an affiant of Knapp's will be out of the country from October 2, 2006 to October 23, 2006, Knapp will need an extension of time to secure his affidavit to respond adequately to IEPA's Motion for Summary Judgment.

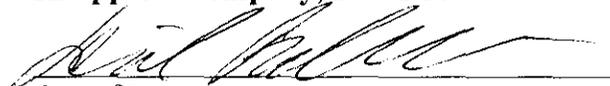
4. IEPA agrees to the extension of time sought in this Motion.

WHEREFOR0E, Knapp Oil Company requests that the Board grant this Motion, allow Knapp an additional twenty-eight (28) days to file its Response in Opposition to IEPA's Motion for Summary Judgment up to and including November 2, 2006, and grant all relief it deems fair and just.

Respectfully submitted,

Knapp Oil Company, Don's 66

By:


One of Its Attorneys

Carolyn S. Hesse
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Barnes & Thornburg LLP
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