

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

NIEBRUGGE OIL COMPANY,)
 Petitioner,)
 v.) PCB 10-37
) (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
 Chicago, IL 60601

Carol Webb
 Hearing Officer
 Illinois Pollution Control Board
 1021 N. Grand Avenue East
 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 3rd day of February, 2012.

Respectfully submitted,
NIEBRUGGE OIL COMPANY, 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
Telephone: 217/528-2517
Facsimile: 217/528-2553

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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 August 23, 2012.

Respectfully submitted,

NIEBRUGGE OIL COMPANY, Petitioner,

By: MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw

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Springfield, IL 62701-1323
Tel: (217) 528-2517
Fax: (217) 528-2553

C:\Mapa\CSD Environmental\Niebrugge Oil Company\Waiver of Dec Deadline 8-23-12.wpd/lck 2/3/12 10:44 am

THIS FILING SUBMITTED ON RECYCLED PAPER