

Electronic Filing - Received, Clerk's Office, January 11, 2010

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

NIEBRUGGE OIL COMPANY, )  
 Petitioner, )  
 v. ) PCB 10-37  
 ) (LUST Permit Appeal)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 Respondent. )

## NOTICE OF FILING AND PROOF OF SERVICE

TO:	John T. Theriault, 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 11<sup>th</sup> day of January, 2010.

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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NIEBRUGGE OIL COMPANY,	)	
Petitioner,	)	
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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 July 15, 2010.

Respectfully submitted,

NIEBRUGGE OIL COMPANY, Petitioner,

By: MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw

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1 N. Old Capitol Plaza, Suite 325  
Springfield, IL 62701-1323  
Tel: (217) 528-2517  
Fax: (217) 528-2553

THIS FILING SUBMITTED ON RECYCLED PAPER