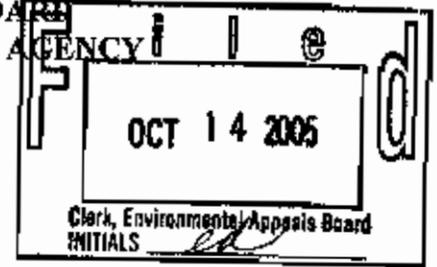


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

Indeck-Elwood, L.L.C.

PSD Permit No. 197035AAJ

) PSD Appeal No. 03-04

**ORDER GRANTING FOURTH AND FINAL MOTION FOR
EXTENSION OF TIME TO FILE
ADDITIONAL BRIEFING**

The Illinois Environmental Protection Agency ("IEPA") has filed a motion for extension of time to file a supplemental brief addressing several questions posed by the Environmental Appeals Board ("Board") in an order entitled Order Lifting Stay and Requiring Additional Briefing, dated July 21, 2005. Specifically, the order posed questions about section 7 of the Endangered Species Act ("ESA"), 16 U.S.C. § 1536, in the context of the prevention of significant deterioration permit at issue in this appeal. This is the fourth extension of time requested by IEPA. The current deadline for IEPA to file its supplemental brief is October 12, 2005. IEPA requests and extension until Thursday, October 20, 2005. IEPA reports that a final decision has been made regarding further action on the permit following recent deliberations between the United States Environmental Protection Agency ("EPA") and the IEPA. However, it was not until Friday, October 7, 2005, that the IEPA attorney working on this matter was informed of his senior management's ultimate decision on the ESA-related issues in this case. IEPA's attorney explains that due to the timing of the decision-making process and the press of other legal matters, he has not been able to finish drafting the supplemental brief in support of

IEPA's position. IEPA's attorney also explains that he is scheduled to be away from the Office on Thursday, October 13 until Sunday, October 16. Finally, IEPA assures the Board that it will not seek any further extensions.

Upon consideration the Board has decided to grant IEPA's motion for a fourth and **final** extension of time. IEPA must now file its supplemental brief with the Board on or before Thursday, October 20, 2005. Petitioners similarly must now file their supplemental brief on or before Thursday, November 10, 2005.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 10/14/05

By: 
Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Fourth and Final Motion for Extension of Time to File Additional Briefing** in the matter of **Indeck-Elwood, L.L.C.**, PSD Appeal No. 03-04, were sent to the following persons in the manner indicated:

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Annette Duncan
Secretary