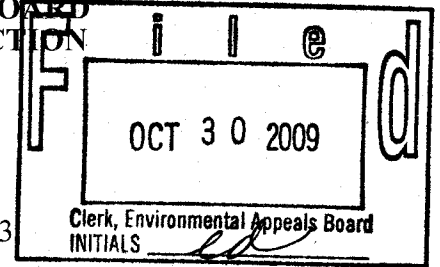


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

MGP Ingredients of Illinois, Inc.

Permit No. 07030058

PSD Appeal No. 09-03

**ORDER ESTABLISHING FILING DEADLINE FOR
CERTIFIED INDEX OF ADMINISTRATIVE RECORD**

By order dated October 21, 2009, the Environmental Appeals Board (“Board”) established filing deadlines of October 28, 2009, for the certified index of the administrative record, and November 12, 2009, for Illinois Environmental Protection Agency’s (“IEPA”) response to Sierra Club’s petition in the above-captioned matter. Order Establishing Filing Deadlines for Certified Index of Administrative Record and Illinois Environmental Protection Agency’s Response Brief (Oct. 21, 2009) (“Order”). IEPA filed a motion on October 29, 2009, one day following the deadline for submission of the certified index of the administrative record, and requests an extension until November 20, 2009, in which to file the certified index. Motion for Extension of Time to File Certified Index of the Administrative Record and Response at 2-3 (Oct. 29, 2009) (“Motion”).¹

In support of the Motion, IEPA states that on October 23, 2009, it informed the Illinois Attorney General’s Office, which is representing IEPA in this case, that IEPA “was having both technical and staffing difficulties in preparing the administrative record.” Motion at 2. IEPA further

¹ Although stylized as “Motion for Extension of Time to File Certified Index of the Administrative Record and Response,” the motion requests the extension of the filing deadline for only the certified index of the administrative record. Motion at 1, 2.

states that "due to the volume of materials comprising the record and the difficulties preparing copies of the record for the parties, as well as the certified index, additional time is needed." *Id.*

In light of IEPA's representations, the Board directs IEPA to file the certified index of the administrative record simultaneously with IEPA's response brief on or before **Thursday, November 12, 2009**. Documents are considered filed on the date they are received by the Board, either by hand-delivery/courier or by U.S. Mail.² Environmental Appeals Board, U.S. EPA, *Practice Manual* 11 (June 2004), available at <http://www.epa.gov/eab/pmanual.pdf>; see also *In re Gateway Generating Station*, PSD Appeal No. 09-02, at 3 n.5 (EAB Sept. 15, 2009) (Order Dismissing Petition for Review).

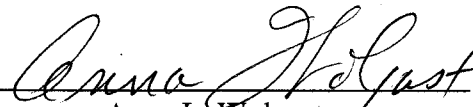
So ordered.

Dated:

October 30, 2009

ENVIRONMENTAL APPEALS BOARD

By:


Anna L. Wolgast
Environmental Appeals Judge

² As of this time, electronic submissions are not treated as filed.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Establishing Filing Deadline for Certified Index of Administrative Record in the matter of *MGP Ingredients of Illinois, Inc.*, PSD Appeal No. 09-03, were sent to the following persons in the manner indicated:

By U.S. First Class Mail and Facsimile:

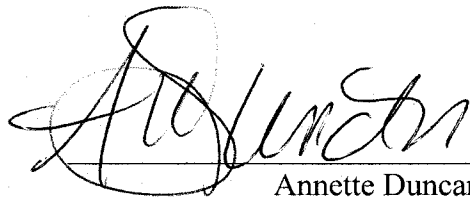
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Date: OCT 30 2009



Annette Duncan
Secretary