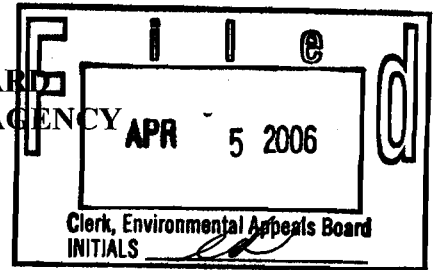


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Indeck-Elwood, L.L.C.)

PSD Permit No. 197035AAJ)
_____)

) PSD Appeal No. 03-04

**ORDER GRANTING MOTION FOR
LEAVE TO FILE RESPONSE BRIEF**

On March 17, 2005, the Office of the General Counsel (“OGC”) on behalf of the Office of Air and Radiation (“OAR”) of the Environmental Protection Agency (“EPA”) submitted a brief addressing various questions posed by the Environmental Appeals Board (“Board”) in an order dated December 1, 2005.¹ On April 5, 2005, Petitioners filed a motion seeking leave to file a brief responding to OAR’s brief.

Upon review, the Board believes that its deliberations regarding the issues addressed in OGC’s March 17, 2006 brief would benefit from a presentation of Petitioners’ views. Therefore,

¹ On December 1, 2005, the Board issued an order requesting EPA’s Office of General Counsel (“OGC”) to file a brief answering various questions related to the above-captioned matter. *See* Order Requesting OGC to File a Brief (EAB, Dec. 1, 2005). OGC filed its response on January 17, 2006, addressing one of the various question the Board posed and arguing that the Board need not reach the remaining questions. On January 27, 2006, the Board issued an order requesting OGC to address the remaining questions, *see* Order Requesting OGC to Answer Remaining Questions (Jan. 27, 2006), to which OGC responded on March 17, 2005.

the Board hereby grants Petitioners' request to file a response brief. Petitioners have until Wednesday, April 12, 2005, to file their response brief.²

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 4/5/06

By: 

Scott C. Fulton
Environmental Appeals Judge

² Petitioners requested until Friday, April 14, 2006, to file their brief, however, the Board believes that a shorter deadline is appropriate in this case.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion for Leave to File Response Brief 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