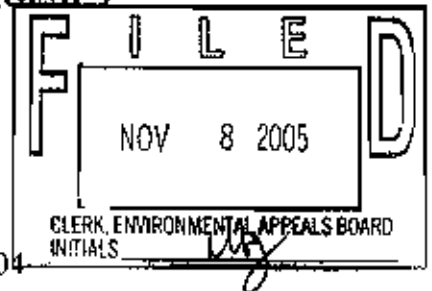


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



_____)
In re:)
)
Indeck-Elwood, L.L.C.) PSD Appeal No. 03-04
)
)
PSD Permit No. 197035AAJ)
_____)

**ORDER GRANTING PETITIONERS'
MOTION FOR EXTENSION OF TIME TO FILE RESPONSE**

The Petitioners in the above-captioned matter have filed a motion for extension of time to file a response to the Illinois Environmental Protection Agency's ("IEPA") supplemental brief filed on October 21, 2005. The IEPA supplemental brief addresses questions posed by the Environmental Appeals Board ("Board"), in an order entitled Order Lifting Stay and Requiring Additional Briefing (July 21, 2005), about section 7 of the Endangered Species Act ("ESA"), 16 U.S.C. § 1536. The current deadline for Petitioners to file their response is November 10, 2005. Petitioners request a one-time, one-week extension, until Thursday, November 17, 2005, to file their response. Petitioners explain that on July 7, 2005, Sierra Club, one of the Petitioners in this case, submitted a Freedom of Information Act request to the IEPA and the U.S. Environmental Protection Agency for all records relating to the ESA consultation process in this case. Petitioners further explain that Sierra Club did not receive the records until October 27, 2005. The records, Petitioners represent, constitute approximately twelve inches of documents and two computer disks, therefore Petitioners are still in the process of reviewing these documents in preparation of their response. In addition, Petitioners' counsel explains that he has


been working on other matters since receiving IEPA's supplemental brief. Finally, Petitioners represent that IEPA does not oppose this request.

Upon consideration the Board has decided to grant Petitioners' motion for extension of time. Petitioners must now file their response to IEPA's supplemental brief with the Board on or before Thursday, November 17, 2005.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 11/8/05

By: 
Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Petitioners' Motion for Extension of Time to File Response** 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