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ENVIR. APPEALS BOARD

December 18, 2003

Ms. Eurcka Dunn
U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board 1103B
1341 G Street, Ste. 600
Washington, DC 20005

Re: Indeck-Elwood LLC
Permit Number: 197035AAJ
Appeal Number: PSD 03-04

Dear Ms. Dunn:

Enclosed for filing please find the original and five copies of (1) Motion Requesting Leave to File Amended Petition for Review; (2) Memorandum In Support of Motion; and (3) Amended Petition.

Copies of these filings are being served today by first class mail on counsel of record as per the Certificate of Service

Sincerely,

Bruce Nilles

Enclosures

cc w/encls: Robb Layman, IEPA
Steve Rothblatt, US EPA
Bertram Frey, US EPA
James Schneider, Indeck

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

IN THE MATTER OF:)
INDECK-ELWOOD LLC) APPEAL NO.: PSD 03-04
) PERMIT NO.: 197035AAJ
)
_____)

CERTIFICATE OF SERVICE

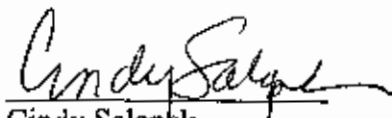
On December 18, 2003 I served a copy of (1) Motion Requesting Leave To File Amended Petition; (2) Memorandum in Support of Motion to File Amended Petition; and (3) Amended Petition For Review on the following parties via United States first class mail, postage pre-paid:

Mr. Bertram C. Frey
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James Schneider
Indeck-Elwood LLC
600 N. Buffalo Grove Road
Buffalo Grove, IL 60089


Cindy Salopek
Sierra Club

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

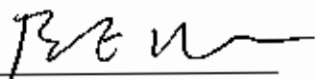
IN THE MATTER OF:)
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)
_____)

PETITIONERS' MOTION FOR LEAVE TO FILE AMENDED PETITION

Petitioners, American Lung Association of Metropolitan Chicago, Citizens Against Ruining the Environment (Lockport), Clean Air Task Force, Lake County Conservation Alliance and Sierra Club, respectfully move for leave to file Petitioners' Amended Petition. Petitioners seek leave to amend their petition in order to urge the Board to review Region 5's failure to consult with the U.S. Fish and Wildlife Service as required by Section 7 of the Endangered Species Act, 16 U.S.C. § 1536, before Indeck received its permit. In the absence of consultation there is no assurance that Indeck's PSD permit includes the conditions necessary to ensure that endangered species identified by the FWS as occurring within the potential impact area of Indeck's proposal are protected. Enclosed is a Memorandum In Support of Petitioners' Motion To File Amended Petition providing additional points and authorities in support of this motion. For the reasons therein, Petitioners respectfully request that the Board grant their motion to file an amended petition.

DATED December 18, 2003

Respectfully submitted,


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¹ Attorney for CARE/Lockport and American Lung Association of Metropolitan Chicago.