

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD (1103B)  
1200 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20460



FACSIMILE COVER SHEET

Date: 11-8-05

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Robb Layman  
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Date: 11-8-05

To: Bruce Nilles  
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ENVIRONMENTAL APPEALS BOARD (1103B)  
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FACSIMILE COVER SHEET

Date: 11-8-05

To: Bruce Nilles  
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Number of Pages/Including Cover Sheet: 4

Remarks: Indeck - Elwood Order Granting Petitioner's Motion  
For Extension Of Time To File Response  
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From the Desk Of .....

*Mildred T. Johnson, Staff Assistant*

Telephone #: (202) 233-0122

Fax #: (202) 233-0121



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD (1103B)  
1200 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20460



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Date: 11-8-05

To: Bruce Nilles  
James Schneider  
Bob Layman  
Barbara Frey

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217-782-9807  
312-886-0747

Number of Pages/Including Cover Sheet: 4

Remarks: In Deck - Edward Berlin Hearing; Petitioner's Motion  
For Extension of Time to File Response

*From the Desk of .....*

*Mildred T. Johnson, Staff Assistant*

*Telephone #: (202) 833-0122*  
*Fax #: (202) 833-0121*



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Time : Nov-08-2005 04:27pm  
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Name : USEPA ENVIRONMENTAL APPEALS BOARD

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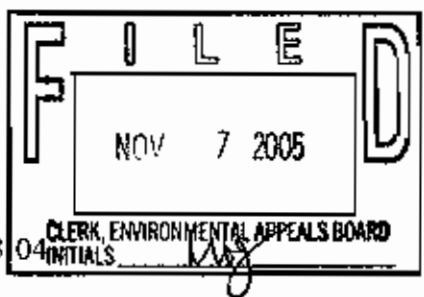
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**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

\_\_\_\_\_  
In re: \_\_\_\_\_ )  
\_\_\_\_\_ )  
Indeck-Elwood, L.L.C. \_\_\_\_\_ )  
\_\_\_\_\_ )  
PSD Permit No. 197035AAJ \_\_\_\_\_ )  
\_\_\_\_\_ )

PSD Appeal No. 03 04



**ORDER GRANTING 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