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November 7, 2005

VIA FAX AND FED-EX

Ms. Eureka Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1341 G Street, NW, Suite 600
Washington DC, 20005

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ENVIR. APPEALS BOARD

Re: Indeck-Elwood, LLC, PSD Appeal No. 03-04

Dear Ms. Durr:

Enclosed for filing with the Environmental Appeals Board in the above-captioned case, please find enclosed an original (1) and five (5) copies of PETITIONERS' MOTION FOR EXTENSION OF TIME TO FILE RESPONSE and a certificate of service.

Please do not hesitate to contact me if you have any questions about this filing.

Sincerely,

Bruce Nilles, Attorney
Sierra Club
608.257.4994

Enc:



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

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ENVIR. APPEALS BOARD

IN THE MATTER OF:)
INDECK-ELWOOD LLC) PERMIT NUMBER: 197035AAJ
APPEAL NUMBER: PSD 03-04

MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

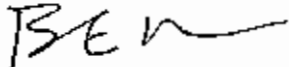
On October 19, 2005 the Illinois Environmental Protection Agency ("IEPA") filed a Supplemental Brief in this matter. Pursuant to the Board's most recent order Petitioners' response is due Thursday, November 10, 2005. For the following reasons Petitioners respectfully request that the Board grant a one-time, one-week extension for Petitioners to file their response, e.g. extend the due date for Petitioners' response to Thursday, November 17, 2005.

- 1) On July 7, 2005 Sierra Club submitted Freedom of Information Act requests to the IEPA and the U.S. Environmental Protection Agency for all records relating to the Indeck Endangered Species Act consultation process. Sierra Club did not receive the responsive records from IEPA until October 27, 2005. The responsive records constituted approximately twelve inches of documents and two computer disks. This information is still being reviewed in preparation for preparing Petitioners' response.
- 2) Petitioners' counsel, Bruce Nilles, has the lead responsibility for the endangered species related issues in this matter and has been working on two other briefings since receiving IEPA's Supplemental Response. To wit, Sierra Club had a post-hearing brief due in a Wisconsin coal-plant proceeding on

October 28, 2005 and another post-hearing brief due November 4, 2005 in a Missouri coal-plant proceeding. In both matters Mr. Nilles is co-counsel and assisting with the briefings.

Petitioners' counsel contacted Mr. Robb Layman at the IEPA to inquire as to the agency's position regarding this request for a one-week extension of time. Mr. Layman represented that the agency would not object to the Board granting Petitioners a one-week extension to file its response.

Respectfully submitted, on November 7, 2005,



On behalf of Petitioners
Bruce Nilles, Sierra Club
214 N. Henry Street
Madison, WI 53703
608.257.4994
608.257.3513 (fax)

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 November 7, 2005, I served a copy of PETITIONERS' MOTION FOR EXTENSION OF TIME TO FILE RESPONSE on the following parties via United States first class mail, postage pre-paid:

Bertram C. Frey, Acting Regional Counsel
Office of Regional Counsel
U.S. EPA, Region V
77 West Jackson Boulevard
Chicago, IL 60604-3507

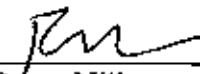
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Bruce Nilles
On Behalf of Petitioners