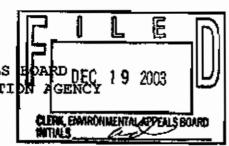
BEFORE THE ENVIRONMENTAL APPEALS IN UNITED STATES ENVIRONMENTAL PROTECTION WASHINGTON, D.C.



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ru re:

Indeck-Elwood, LLC

Permit No. 197035AAJ

PSD Appeal No. 03-04

ORDER GRANTING MOTION FOR EXTENSION

OF TIME TO FILE RESPONSE

The Illinois Environmental Protection Agency ("IEPA") has filed a motion for extension of time to file a response in the above-captioned matter. IEPA had until December 5, 2003, to file a response seeking summary disposition of the petition, and until December 22, 2003, to file a response addressing the merits of the issues on appeal. In its motion, the IEPA explains that it anticipates that a few of the issues raised in the petition may present possible grounds for summary disposition, but that some others will require a response on the merits. The attorney representing IEPA explains that the case was assigned to him on or about December 5, 2003, but because of other pressing assignments he has not been able to devote any substantial time or resources to this case. According to the attorney, due to the breadth of the issues raised in the petition, a response will require at least five to six weeks to prepare and finalize. The

attorney requests an extension of 45 days to file a formal response.

The December 5 deadline would have applied only if IEPA believed that the petition in its entirety was appropriate for summary disposition. In such case, it would have potentially eliminated any need for IEPA to respond to the merits of the petition if the petition were otherwise dismissible on procedural grounds. However, in this case, IEPA indicates that it will need to address the merits of the petition for at least some of the issues. As such, the December 22 deadline would apply as to both substantive and procedural arguments on all issues.

In view of the fact that the requested extension is timely with respect to the December 22 deadline, and for good cause shown, this motion is hereby granted. IEPA must file its response in this matter on or before February 5, 2004.

So ordered this $\underline{/9}$ day of December of 2003.

ENVIRONMENTAL APPEALS BOARD

y:______Ronald L. McCallum

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion For Extension of Time to File Response, PSD Appeal No. 03-04, were sent to the following persons in the manner indicated:

By First Class Mail Postage Prepaid:

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DEC 2 2 2003

Dated:

Annette Duncan

Secretary