

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF LEGAL COUNSEL
 1021 NORTH GRAND AVENUE EAST, POST OFFICE BOX 19276
 SPRINGFIELD, ILLINOIS 62794-9276
 TELEPHONE (217)782-5544 FACSIMILE (217)782-9807

DATE: December 18, 2003

FACSIMILE TRANSMITTAL SHEET

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

PARTY'S NAME: Ms. Eureka Durr
Clerk, Environmental Appeals Board
 FIRM/COMPANY'S NAME: Environmental Appeals Board
 FACSIMILE NO.: 202-233-0121
 TELEPHONE NO.: _____

FROM: Robb Langman (217) 524-9137
 Re: Indeck-Elwood LLC, [PSD Appeal No. 03-04]

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): _____

HARD COPY WILL X WILL NOT _____ FOLLOW.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL 217-782-5544.

COMMENTS: Motion for Extension of Time to File Response
and Appearance of Respondent, Illinois EPA.
Original and (5) copies will arrive to EAB
in overnight mailing package for delivery tomorrow.

IMPORTANT - THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED; AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THE MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT READING, DISSEMINATING, DISTRIBUTING, OR COPYING THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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

2003 DEC 18 PM 2: 57
ENVIR. APPEALS BOARD

IN THE MATTER OF:)

INDECK-ELWOOD, LLC)
PERMIT NUMBER 197035AAJ)

PSD APPEAL NO. 03-04

NOTICE

To:

Eurika Durr,
Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street, N.W. Suite 600
Washington, D.C. 20005

Bertram C. Frey,
Acting Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604-3507

Bruce Nilles
Sierra Club
200 N. Michigan Avenue, Suite 505
Chicago, Illinois 60601

James Schneider
Indeck-Elwood LLC
600 N. Buffalo Grove Road
Buffalo Grove, Illinois 60089

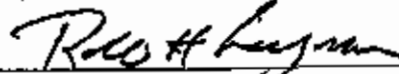
Keith Harley
Chicago Legal Clinic, Inc.
205 W. Monroe, 4th Floor
Chicago, Illinois 60606

Verena Owen
Lake County Conservation Alliance
421 Ravine Drive
Winthrop Harbor, Illinois 60096

Ann Brewster Weeks
Clean Air Task Force
88 Summer Street, 8th Floor
Boston, Massachusetts 02110

PLEASE TAKE NOTICE that I have today filed with the Clerk of the Environmental Appeals Board an original (1) and five (5) copies of an **APPEARANCE** and a **MOTION FOR EXTENSION OF TIME TO FILE RESPONSE** of the Respondent, **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, a copy of which is herewith served upon you.

Respectfully submitted,



By: Robb H. Layman
Special Illinois Assistant Attorney General

Dated: December 18, 2003
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)524-9137

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

DEC 18 PM 2:57
ENVIR. APPEALS BOARD

IN THE MATTER OF:)

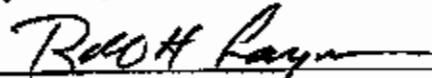
INDECK-BLWOOD, LLC)
PERMIT NUMBER 197035AAJ)

PSD APPEAL NO. 03-04

APPEARANCE

NOW COMES Robb Layman, as a Special Assistant Attorney General acting through the Illinois Attorney's General Office, and enters his appearance on behalf of the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, in the above-captioned matter.

Respectfully submitted,



By: Robb H. Layman
Special Illinois Assistant Attorney General

Dated: December 18, 2003
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)524-9137

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

DEC 18 PM 2:57

ENVIR. APPEALS BOARD

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

**MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorneys, and moves the ENVIRONMENTAL APPEALS BOARD ("Board") for an extension of the time to file a Response to the Petition for Review (hereinafter "Petition") filed by the Petitioners, SIERRA CLUB ("Sierra Club"), *et al.* in the above-captioned matter.

1. Petitioners filed their Petition with the Board on or about November 14, 2003, seeking a review of a PSD permit determination by the Illinois EPA involving INDECK-ELWOOD, LLC, ("Indeck-Elwood"). The Board received the Petition on November 17, 2003.

2. The Clerk of the Board sent a copy of the Petition, together with a cover letter detailing instructions for responding to the appeal, to the Illinois EPA on November 20, 2003. The Illinois EPA received the materials on November 26, 2003.

3. By the instructions contained in the Board's cover letter, the Illinois EPA was requested to file a formal Response to the Petition, including any relevant excerpts from the administrative record. If summary disposition is sought, the Response was due with the Board by no later than December 5, 2003. If a more detailed response to the

merits of the petition is sought, the Response was due with the Board by no later than December 22, 2003.

4. At this juncture, the Illinois EPA anticipates that a few of the issues raised in the Petition may present possible grounds for summary disposition. However, it is also anticipated that several of the issues will be addressed with a detailed response to their respective merits.

5. The undersigned attorney was assigned the responsibilities for handling this case matter on or about December 5, 2003, but has been unable to devote any substantial time or resources to the Illinois EPA's Response due to the press of other enforcement-related case assignments.

6. As a result of the delays occasioned by other case assignments and the breadth of the issues raised in the Petition, the undersigned attorney expects that a Response will require at least five or six weeks to prepare and finalize.

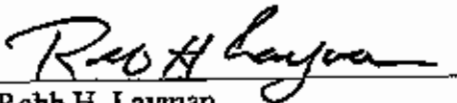
7. Accordingly, the Illinois EPA formally requests an extension of time of 45 days in which to file its formal Response with the Board

8. The grant of this extension of the filing date will ensure that the Response will fully address all of the technical issues raised by the Petitioners in their appeal. In addition, an extension of this time period will not result in any hardship or prejudice to the Petitioners.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant this Motion for Extension of Time to File Response to thereby allow the filing of the Response to be served with the Board no later than Thursday, February 5, 2004

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Robb H. Layman
Special Illinois Assistant Attorney General

Dated: December 18, 2003
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)524-9137

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of December, 2003, I did send, by express mail for next-day delivery, one (1) original and five (5) copies of the following instruments entitled **APPEARANCE** and **MOTION FOR EXTENSION OF TIME TO FILE RESPONSE** to:

Eurika Durr,
Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street N.W. Suite 600
Washington, D.C. 20005

and a true and correct copy of the same foregoing instruments, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Bertram C. Frey,
Acting Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region 5
Chicago, Illinois 60604-3507

Ann Brewster Weeks
Clean Air Task Force
88 Summer Street, 8th Floor
Boston, Massachusetts 02110

Bruce Nilles
Sierra Club
200 N. Michigan Avenue, Suite 505
Chicago, Illinois 60601

James Schneider
Indeck-Elwood LLC
600 N. Buffalo Grove Road
Buffalo Grove, Illinois 60089

Keith Harley
Chicago Legal Clinic, Inc.
205 W. Monroe, 4th Floor
Chicago, Illinois 60606

Verena Owen
Lake County Conservation Alliance
421 Ravine Drive
Winthrop Harbor, Illinois 60096

A copy of the instruments was also faxed to the Clerk of the Board on this same date.


By: Robb H. Layman
Special Illinois Assistant Attorney General

This filing is submitted on recycled paper.