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

DEC 22 AM 11:40  
ENVIR. APPEALS BOARD

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

**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,  
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200 N. Michigan Avenue, Suite 505  
Chicago, Illinois 60601

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

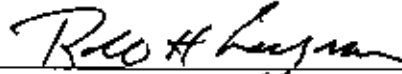
Keith Harley  
Chicago Legal Clinic, Inc.  
205 W. Monroe, 4<sup>th</sup> Floor  
Chicago, Illinois 60606

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

Ann Brewster Weeks  
Clean Air Task Force  
88 Summer Street, 8<sup>th</sup> 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,



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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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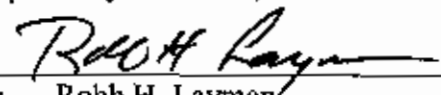
IN THE MATTER OF: )  
 )  
INDECK-ELWOOD, LLC )  
PERMIT NUMBER 197035AAJ )

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  
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IN THE MATTER OF: )  
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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.

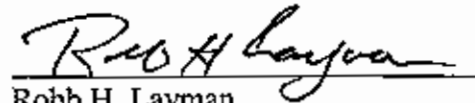
7. Accordingly, the Illinois EPA formally requests an extension of time of 45 days in which to file its formal Response with the Board

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  
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