



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 20 2003

ENVIRONMENTAL APPEALS BOARD

Ms. Renee Cipriano, Director
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Re: Indeck-Elwood LLC
Permit Number: 197035AAJ
Appeal Number: PSD 03-04

Dear Ms. Cipriano:

Enclosed is a petition dated November 14, 2003 (received by the Environmental Appeals Board (the "Board") on November 17, 2003), filed by Bruce Nilles, Sierra Club, on behalf of the American Lung Association of Metropolitan Chicago, Citizens Against Ruining the Environment (Lockport), the Clean Air Task Force, Lake County Conservation Alliance and the Sierra Club, asking the Board to review a PSD determination by Illinois Environmental Protection Agency.

To assist the Board in deciding whether the matters raised by Petitioner should be reviewed, please have your staff prepare a response that addresses Petitioner's contentions and whether Petitioner has satisfied the requirements for obtaining review under 40 C.F.R. Section 124.19.

Response Seeking Summary Disposition. If you believe that the petition in its entirety may be appropriate for summary disposition, either because the Board does not have jurisdiction to consider the petition, the appeal is untimely, Petitioner lacks standing to file an appeal, or none of the issues raised in the petition were preserved for review, please file a response to that effect by no later than December 5, 2003. Please include relevant portions of the administrative record with your response.

File an original (signed in blue ink) and five copies of these materials with the Board (at the address shown below) by the date specified above, and send a copy to Petitioner, with a certificate of service showing the date and method of service. Petitioner shall have 10 days from the date of service of a response seeking summary disposition to file a reply with the Board.

If the Board determines that summary disposition is appropriate, the Board will issue an order to that effect. If the Board determines that summary disposition is not appropriate, or that the issue of summary disposition should be reserved until after a response to the merits of the

petition is filed, the Board will issue an order directing that a response to the merits of the petition be filed within 15 days of the Board's order.

Response not Seeking Summary Disposition. If you do not file a response seeking summary disposition, please file a response to the merits of the petition by not later than December 22, 2003. Please include with your response relevant portions of the administrative record, together with a certified index of the entire administrative record.

File an original (signed in blue ink) and five copies of these materials with the Board, and send a copy to petitioner, with a certificate of service showing the date and method of service.

Environmental Appeals Board's Mailing Address

All documents that are sent through the U.S. Postal Service (Except by Express Mail) MUST be addressed to the Environmental Appeals Board's mailing address which is:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board 1103B
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Documents that are sent to the Environmental Appeals Board's hand-delivery address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Hand Delivery Address

Documents that are **hand-carried** in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST be delivered to:**

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

Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays).

Filing Requirements

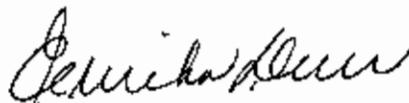
IMPORTANT: All documents, including the materials due December 5, 2003 and December 22, 2003, must reference the appeal number. In addition, any envelope or other packaging containing documents sent to the address, as prescribed above, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and case identifier in the lower left hand corner.

No further briefing will be allowed except by order of the Board.

A copy of this letter is being sent to the petitioner as notification of these filing requirements.

Thank you for your attention to this matter.

Sincerely,



Erika Durr
Clerk of the Board

Enclosure

cc: w/o encl: Bruce Nilles, Sierra Club
200 N. Michigan Ave, Suite 505
Chicago, IL 60601

w/encl: James Schneider
Indeck-Elwood LLC
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