

ILLINOIS POLLUTION CONTROL BOARD
February 5, 2004

BOARD OF TRUSTEES OF EASTERN)
ILLINOIS UNIVERSITY,)
)
Petitioner,)
) PCB 04-110
v.) (Permit Appeal - Air)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J.P. Novak):

On January 8, 2004, the Board accepted a Petition for Review (Pet.) from the Board of Trustees of Eastern Illinois University (EIU) appealing the Clean Air Act Permit Program (CAAPP) permit No. 97040070 issued to it on November 25, 2003, by the Illinois Environmental Protection Agency (Agency) for the operation of its steam generating plant, a separate gas-fired boiler, and a gasoline storage tank in Coles County. At that time, the Board reserved ruling on a concurrently filed Motion to Stay Effectiveness of CAAPP Permit (Mot.). To date, the Agency has filed no response to that motion.

Motions to stay a proceeding must be accompanied by sufficient information detailing why a stay is needed. 35 Ill. Adm. Code 101.514(a). If a party files no response to a motion to stay within fourteen days, then the party will be deemed to have waived objection to granting the motion. *See* 35 Ill. Adm. Code 101.500(d).

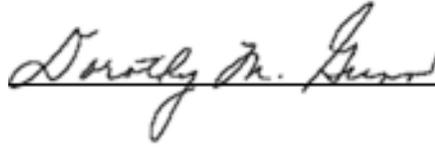
EIU contends that the permit does not reflect current applicable requirements or operations at its facility and thus is not consistent with pertinent statutes and regulations. Pet. at 4. EIU filed the Petition for Review in this matter in order to preserve its right to appeal and that a stay is needed in order to protect that right and to prevent irreparable harm. Mot. at 1. EIU further states that the Agency, the public, and the environment will not be harmed if the Board grants a stay. Mot. at 2.

The Board finds that EIU clearly has a right to appeal the CAAPP conditions imposed by IEPA. The Board further finds that, absent a stay, EIU will suffer irreparable harm.

The Board grants EIU's motion to stay effectiveness of the CAAPP permit until the Board's final action in this matter or until the Board orders otherwise. The Board directs the parties to proceed as expeditiously as practicable.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 5, 2004, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board