

ILLINOIS POLLUTION CONTROL BOARD  
December 15, 2005

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 03-22
	)	(Enforcement - Air)
SAINT-GOBAIN CONTAINERS, INC., a	)	
Delaware corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by A.S. Moore):

On October 5, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a motion to stay this enforcement action brought against Saint-Gobain Containers, Inc. (Saint-Gobain). For the reasons below, the Board grants the motion.

By way of background, the People filed a complaint against Saint-Gobain on August 26, 2002. The People allege that Saint-Gobain violated air pollution control requirements at the company's glass manufacturing facility located at 1200 North Logan in Lincoln, Logan County. On September 5, 2002, the Board accepted the complaint for hearing. Saint-Gobain filed an answer to the complaint on December 12, 2002. Since then, the parties have been conducting discovery and discussing potential settlement.

Motions to stay a proceeding must be "accompanied by sufficient information detailing why a stay is needed." 35 Ill. Adm. Code 101.514(a). In the People's motion for stay filed on October 5, 2005, the People state that on August 3, 2005, the United States Environmental Protection Agency (USEPA) extended to the Illinois Environmental Protection Agency "an invitation to participate in a joint federal and state global initiative to address possible violations of federal and state law and regulations" by Saint-Gobain. Motion at 1. According to the motion, USEPA has identified concerns related to several Saint-Gobain facilities in the United States, including the Lincoln facility. The People further assert that USEPA's concerns with the Lincoln facility "mirror technical issues and PSD [Prevention of Significant Deterioration] and state permitting violations alleged within the State's Complaint filed with the Board." *Id.* at 1-2.

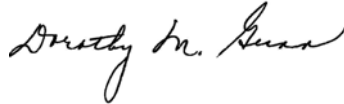
The People's motion for stay states that the "federal action will develop an appropriate technical remedy and seek resolution of the same violations alleged in the State's Complaint independent of the State's enforcement action in the instant case." Motion at 2. According to the People, if both this action before the Board and the federal action "proceed independently, a substantial likelihood exists for overlapping or inconsistent injunctive relief in each case." *Id.* The People continue:

Judicial economy and practicability clearly dictates that it would be a waste of resources for all involved to proceed with the instant case until such time as the resolution of the federal matter is known because, in all probability, resolution of the federal matter will also resolve and render technical and legal issues in the instant case moot. *Id.*

Saint-Gobain has not responded to the People's motion for stay. Therefore, Saint-Gobain waives any objection to the Board granting the motion. *See* 35 Ill. Adm. Code 101.500(d). The Board grants the People's motion and accordingly stays this proceeding until the Board orders otherwise. *See* 35 Ill. Adm. Code 101.514.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 15, 2005, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board