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OCT 03 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

SAINT-GOBAIN CONTAINERS, INC.,)
a Delaware corporation,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

PCB No. 04-48
(CAAPP Permit Appeal)

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA FIRST CLASS MAIL)

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(VIA FIRST CLASS MAIL)

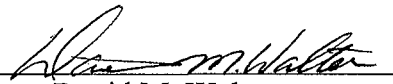
(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies each of **SAINT-GOBAIN CONTAINERS, INC.'S PETITION FOR REVIEW; MOTION TO STAY EFFECTIVENESS OF CAAPP PERMIT; ENTRY OF APPEARANCE OF N. LADONNA DRIVER; and ENTRY OF APPEARANCE OF DAVID M. WALTER**, copies of which are hereby served upon you.

Respectfully submitted,

SAINT-GOBAIN CONTAINERS, INC.,
Petitioner,

Dated: September 30, 2003

By: 
David M. Walter

N. LaDonna Driver
David M. Walter
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

THIS FILING SUBMITTED ON RECYCLED PAPER

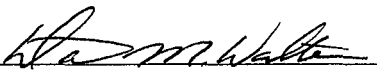
CERTIFICATE OF SERVICE

I, David M. Walter, the undersigned, certify that I have served the attached
SAINT-GOBAIN CONTAINERS, INC.'S PETITION FOR REVIEW; MOTION TO
STAY EFFECTIVENESS OF CAAPP PERMIT; ENTRY OF APPEARANCE OF N.
LADONNA DRIVER; and ENTRY OF APPEARANCE OF DAVID M. WALTER
upon:

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

by depositing said documents in the United States Mail, postage prepaid, in Springfield,
Illinois, on September 30, 2003.



David M. Walter

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STATE OF ILLINOIS
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PCB No. 04-49
(CAAPP Permit Appeal)

PETITION FOR REVIEW

NOW COMES, Petitioner, SAINT-GOBAIN CONTAINERS, INC. (hereinafter "Saint-Gobain") by and through its attorneys, HODGE DWYER ZEMAN, pursuant to Section 40.2 of the Illinois Environmental Protection Act (415 ILCS 5/40.2) ("Act") and 35 Ill. Admin. Code § 105.Subpart C, and petitions the Board for review of the Clean Air Act Permit Program ("CAAPP") permit granted to Saint-Gobain by the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to Section 39.5 of the Act on August 26, 2003.

In support thereof, Saint-Gobain states as follows:

1. Saint-Gobain owns and operates a glass container manufacturing facility in Lincoln, Illinois (the "Facility"), which is classified as a "major source" for purposes of Title V of the Clean Air Act and Section 39.5 of the Act.

2. Pursuant to Section 504 of the Clean Air Act (42 U.S.C. § 7661b(c)) and Section 39.5(5) of the Act, Saint-Gobain submitted an application for a CAAPP permit for the Facility to the Illinois EPA on September 11, 1995.

3. On or about June 19, 2003, Illinois EPA sent to public notice a proposed CAAPP permit for the Facility and also provided a copy of the proposed permit to the United States Environmental Protection Agency.

4. Upon information and belief, the Illinois EPA received no comments on the proposed CAAPP permit for the Facility, except for the comments of Saint-Gobain. In its public comment letter dated July 18, 2003, Saint-Gobain described its concerns with the cover page, as well as Section 1.0 and Conditions 5.2.7; 7.1.6; 7.1.12, 7.1.13 and 7.5.12 of the draft CAAPP permit.

5. On August 26, 2003, the Illinois EPA issued the final CAAPP permit for the facility. Although some of Saint-Gobain's concerns were addressed in the final CAAPP permit, the majority of its concerns were not.

6. Condition 5.2.7 of the CAAPP permit states that there is a pollutant-specific emissions unit that is subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM). In its public comments, dated July 18, 2003, Saint-Gobain explained that it did not believe the facility had any sources that meet the requirements of the CAM rule, and requested that the source referenced in Condition 5.2.7 be identified. Nevertheless, despite this request, the Illinois EPA still has not identified the alleged source.

7. Condition 7.1.6 erroneously implies that the hourly and annual limits as stated were developed on the basis of the maximum and annual production limitations and the emission factors as listed in Condition 7.1.12. As stated in the comments on the draft permit, the emission factors at Condition 7.1.12 were taken from one of many

emission tests subsequent to permitting and the emission test chosen was not representative on normal operations. Utilizing the emission factors at Condition 7.1.12 can cause an immediate violation of the limits of Condition 7.1.6.

8. The CAAPP permit contains inconsistencies, in that the raw material handling activities identified as insignificant activities in Section 3.1.2 were inadvertently still listed as significant emissions units in Section 4.0 of the final CAAPP permit.


9. Condition 7.1.13's statements concerning Prevention of Significant Deterioration are at issue in the enforcement case, People v. Saint-Gobain Containers, Inc. PCB No 03-22.

10. For the above-referenced reasons, the CAAPP permit does not reflect the current applicable requirements or the current operations at the Facility, and thus is not "consistent with the Clean Air Act and regulations promulgated thereunder and this Act and regulations promulgated thereunder." Such conditions are not required to "accomplish the purposes and provisions of this Act and to assure compliance with all applicable requirements." As such, Illinois EPA has exceeded its authority and imposed conditions that violate Section 39.5 of the Act.

WHEREFORE, Saint-Gobain petitions the Board for a hearing on the Illinois EPA's final action on Saint-Gobain's CAAPP permit application, with respect to the permit Sections and Conditions referenced herein. And, as set forth in the accompanying Motion to Stay Effectiveness of CAAPP Permit, Saint-Gobain requests that the effectiveness of the CAAPP permit be stayed until the Board's final determination in this matter.

Respectfully submitted,

SAINT-GOBAIN CONTAINERS, INC.
Petitioner,

By: 
One of Its Attorneys

Dated: September 30, 2003

N. LaDonna Driver
David M. Walter
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
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)
Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. 04-48
(CAAPP Permit Appeal)

MOTION TO STAY EFFECTIVENESS OF CAAPP PERMIT

NOW COMES, Petitioner, SAINT-GOBAIN CONTAINERS, INC. (hereinafter "Saint-Gobain"), by and through its attorneys, HODGE DWYER ZEMAN, and hereby moves the Board to stay the effectiveness of Saint-Gobain's Clean Air Act Permit Program ("CAAPP") permit in this matter, pursuant to 35 Ill. Adm. Code 105.304(b).

In support thereof, Saint-Gobain states as follows:

1. On August 26, 2003, the Illinois Environmental Protection Agency ("Illinois EPA") issued a final CAAPP permit (No. 95090132) for Saint-Gobain's glass container manufacturing facility in Lincoln, Illinois.
2. Today, September 30, 2003, Saint-Gobain has filed a Petition for Review in order to preserve its right to appeal in this matter;
3. A stay of effectiveness of the CAAPP permit is needed to prevent irreparable harm to Saint-Gobain and to protect a certain and clearly ascertainable right of Saint-Gobain, the right to appeal permit conditions.
4. The Illinois EPA, the public, and the environment will not be harmed if a stay is granted.

WHEREFORE, Saint-Gobain moves the Board to grant a stay of effectiveness of Saint-Gobain's CAAPP permit until the Board's final action in this matter.

Respectfully submitted,

SAINT-GOBAIN CONTAINERS, INC.
Petitioner,

By: 
One of Its Attorneys

Dated: September 30, 2003

N. LaDonna Driver
David M. Walter
HODGE DWYER ZEMAN
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SGCO:001/Fil/Motion for Stay

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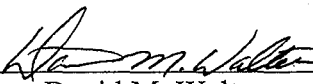
PCB No. 04-48
(CAAPP Permit Appeal)

ENTRY OF APPEARANCE OF DAVID M. WALTER

NOW COMES David M. Walter, of the law firm of HODGE DWYER ZEMAN,
and hereby enters his appearance on behalf of Petitioner, SAINT-GOBAIN
CONTAINERS, INC., a Delaware corporation, in the above-referenced matter.

Respectfully submitted,

SAINT-GOBAIN CONTAINERS, INC.,
Petitioner,

By: 
David M. Walter

Dated: September 30, 2003

N. LaDonna Driver
David M. Walter
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PROTECTION AGENCY,)

Respondent.)

PCB No. 04-48
(CAAPP Permit Appeal)

ENTRY OF APPEARANCE OF N. LADONNA DRIVER

NOW COMES N. LaDonna Driver, of the law firm of HODGE DWYER
ZEMAN, and hereby enters her appearance on behalf of Petitioner, SAINT-GOBAIN
CONTAINERS, INC., a Delaware corporation, in the above-referenced matter.

Respectfully submitted,

SAINT-GOBAIN CONTAINERS, INC.,
Petitioner,

By: N. LaDonna Driver
N. LaDonna Driver

Dated: September 30, 2003

N. LaDonna Driver
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

SGCO:001/Fil/EOA CAAP-NLD



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

P.O. Box 19506, SPRINGFIELD, ILLINOIS 62794-9506

KENE CIPRIANO, DIRECTOR

217/782-2113

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STATE OF ILLINOIS
Pollution Control Board

TITLE V - CLEAN AIR ACT PERMIT PROGRAM (CAAPP) PERMIT
and
TITLE I PERMIT¹

PCB 03-47

PERMITTEE

Saint-Gobain Containers, Inc.
Attn: Brian Houger, General Factory Manager
1200 North Logan
Lincoln, Illinois 62656

Application No.: 95090132I.D. No.: 107035AAXApplicant's Designation:Date Received: September 11, 1995Operation of: Manufacturing Facility for Glass ContainersDate Issued: August 26, 2003Expiration Date²: August 26, 2008Source Location: 1200 North Logan, Lincoln, Logan, Illinois 62656Responsible Official: Brian Houger, General Factory Manager

This permit is hereby granted to the above-designated Permittee to operate a facility that manufactures glass containers, pursuant to the above referenced permit application. This permit is subject to the conditions contained herein.

If you have any questions concerning this permit, please contact LeeAnne Kinsella at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:LAK:psj

COPY
Original signed by
Donald E. Sutton, P.E.

cc: Illinois EPA, FOS, Region 2
USEPA

This permit may contain terms and conditions which address the applicability, and compliance if determined applicable, of Title I of the CAA and regulations promulgated thereunder, including 40 CFR 52.21 - federal PSD and 35 IAC Part 203 - Major Stationary Sources Construction and Modification. Any such terms and conditions are identified within this permit.

Except as provided in Condition 8.7 of this permit.

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PEORIA-DAPO
AUG 28 2003
ENVIRONMENTAL PROTECTION AGENCY
STATE OF ILLINOIS

ROD R. BLAGOJEVICH
GOVERNOR