

JAN 22 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
STATE OF ILLINOIS  
Pollution Control Board

SAINT-GOBAIN CONTAINERS, INC., )  
a Delaware corporation, )  
 )  
Petitioner, )  
 )  
v. ) PCB No. 04-47  
 ) (CAAPP Permit Appeal)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

**NOTICE OF FILING**

TO: Ms. Dorothy M. Gunn	Carol Sudman, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
<b>(VIA FIRST CLASS MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

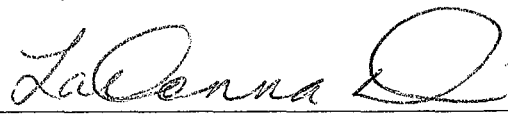
**(SEE PERSONS ON ATTACHED LIST)**

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 of a **NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE**, a copy of which is herewith served upon you.

Respectfully submitted,

SAINT-GOBAIN CONTAINERS, INC.,  
Petitioner,

Dated: January 19, 2004

By:   
N. LaDonna Driver

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

**CERTIFICATE OF SERVICE**

I, N. LaDonna Driver, the undersigned, hereby certify that I have served copies of  
the attached NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE,  
upon:

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

Carol Sudman, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Post Office Box 19274  
Springfield, Illinois 62794-9274

Robb H. Layman, Esq.  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276 – Mail Code #21  
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield,  
Illinois, on January 19, 2004.

  
N. LaDonna Driver

SGCO:001/Fil/NOF – Open Waiver

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**STATE OF ILLINOIS**  
**Pollution Control Board**

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

Petitioner, )

v. )

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Respondent. )

PCB No. 04-47

(CAAPP Permit Appeal)

**NOTICE OF OPEN WAIVER OF 120-DAY DECISION DEADLINE**

NOW COMES Petitioner, SAINT-GOBAIN CONTAINERS, INC. (hereinafter "Saint-Gobain" or "Petitioner"), by its attorneys HODGE DWYER ZEMAN ("HDZ"), pursuant to 35 Ill. Admin. Code § 101.308(c)(1), and hereby agrees to an open waiver of the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board ("Board") in the above-referenced proceeding. In support of this Notice, the Petitioner states as follows:

1. On September 30, 2003, Petitioner filed a Petition for Review of the Clean Air Act Permit Program ("CAAPP") permit granted to Saint-Gobain by the Illinois Environmental Protection Agency ("Illinois EPA") on August 26, 2003. Based upon the date of filing, the statutory decision deadline in this matter was January 28, 2004 (i.e., 120 days from September 30, 2003).

2. On October 16, 2003, the Board accepted this matter for hearing.

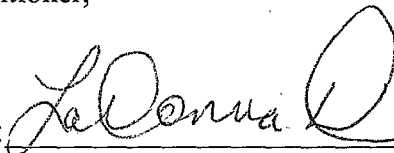
3. On October 23, 2003, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 90 Days. The current statutory decision deadline is April 27, 2004.

4. Petitioner hereby voluntarily agrees to an open waiver of the statutory 120-day decision deadline in order to conduct settlement negotiations in this matter.

WHEREFORE, Petitioner, SAINT-GOBAIN CONTAINERS, INC., prays that the Illinois Pollution Control Board accept this open waiver of the statutory 120-day decision deadline for final action on Petitioner's Petition for Review of the CAAPP permit issued to it by the Illinois Environmental Protection Agency.

Respectfully submitted,

SAINT-GOBAIN CONTAINERS, INC.,  
Petitioner,

By:   
N. LaDonna Driver

Dated: January 19, 2004

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HODGE DWYER ZEMAN  
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SGCO:001/Fil/Open Waiver