

ILLINOIS POLLUTION CONTROL BOARD
February 5, 2004

ETHYL PETROLEUM ADDITIVES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 04-113
)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

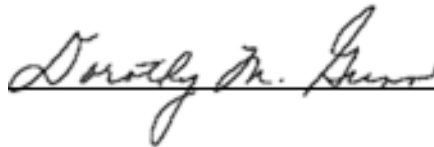
ORDER OF THE BOARD (by T.E. Johnson):

This case is before the Board on a motion to stay the effectiveness of a Clean Air Act Permit Program (CAAPP) permit issued with conditions, regarding Ethyl Petroleum Additives, Inc.'s (Ethyl) chemical manufacturing facility at Sauget, St. Claire County. On January 5, 2004, Ethyl timely filed a petition asking the Board to review a December 1, 2003 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.206(a). The Board accepted the case on January 8, 2004, but reserved ruling on the motion to stay pending the response of the Agency. To date, the Agency has not filed a response to the motion.

If a party files no response to a motion within 14 days the party will be deemed to have waived objection to the granting of the motion. *See* 35 Ill. Adm. Code 101.500(d). In Nielsen & Bainbridge v. IEPA, PCB 03-98 (Feb. 6, 2003), the Board found that motions to stay must be accompanied by sufficient information detailing why a stay is needed. In the motion to stay, Ethyl asserts that a stay of the CAAPP permit is needed to prevent irreparable harm to the petitioner and to protect petitioner's certain and clearly ascertainable right to appeal permit conditions. Mot. at 1. Ethyl asserts that the public and the environment will not be harmed if a stay is granted. *Id.* The Board grants Ethyl's motion to stay effectiveness of CAAPP permit until the Board's final action in this matter or until the Board orders otherwise.

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.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board