

ILLINOIS POLLUTION CONTROL BOARD  
June 17, 2010

AMERICAN LOUVER COMPANY, )  
)  
Petitioner, )  
)  
v. ) PCB 10-90  
) (Permit Appeal - Air)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

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

On April 26, 2010, American Louver Company (ALC) timely filed a petition (Pet.) asking the Board to review a March 19, 2010 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2008); 35 Ill. Adm. Code 101.300(b)(2), 105.206(a). The Agency's determination concerns an air permit for ALC's plastic molding facility located at 7700 Austin Avenue in Skokie, Cook County (Application No. 09110020). ALC appeals on the grounds that "no state construction permit is necessary or required in order for ALC to construct its new blow molder and operate it." Pet. at 4. ALC challenges the inclusion of Standard Condition No. 6 and asks the Board to stay its effect during the pendency of this appeal. *Id.* at 7. On May 6, 2010, the Board accepted the permit appeal for hearing, but reserved ruling on ALC's motion to stay the contested condition. Below, the Board rules on the motion.<sup>1</sup>

In its request for stay, ALC argues that the Board has the authority to grant discretionary stays of permit conditions and that a stay is necessary to "avert irreparable harm" to ALC. Pet. at 5-7; *see also* 35 Ill. Adm. Code 101.514(a). In Community Landfill Co. and City of Morris v. IEPA, PCB 01-48, 01-49 (consol.), slip op. at 4 (Oct. 19, 2000), the Board found that it "has the authority to grant discretionary stays from permit conditions." The Board noted that it "has previously granted or denied discretionary stays in permit appeals, both when the Agency did and did not consent to such stays." *Id.* (citations omitted). The Board elaborated that the "permit appeal system would be rendered meaningless in many cases, if the Board did not have the authority to stay permit conditions." *Id.* Here, the parties participated in a telephonic status conference with the Board hearing officer on June 3, 2010, during which the Agency represented that it has no objection to ALC's request for stay. PCB 10-90 Hearing Officer Order at 1 (June 3, 2010).

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<sup>1</sup> On May 27, 2010, the Agency filed a "Motion for Leave to File Answer and Record of Determination," which the Board does not address today. By hearing officer order, any response from ALC to the Agency's motion is due by July 16, 2010. PCB 10-90 Hearing Officer Order at 1 (June 3, 2010).

The Board grants ALC's request to stay Standard Condition No. 6. The stay remains in effect until the Board takes final action on the permit appeal or until the Board orders otherwise.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 17, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board