

ILLINOIS POLLUTION CONTROL BOARD

February 16, 2006

SAINT-GOBAIN CONTAINERS, INC., a)	
Delaware corporation,)	
)	
Petitioner,)	
)	PCB 04-47
v.)	(CAAPP Permit Appeal – Air)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by N.J. Melas):

On January 17, 2006, Saint-Gobain Containers, Inc. (Saint-Gobain), filed a motion to stay this Clean Air Act Permit Program (CAAPP) petition asking the Board to review an August 26, 2003 determination of the Illinois Environmental Protection Agency (Agency). The CAAPP permit (No. 95090132) concerns Saint-Gobain's glass container manufacturing facility in Lincoln, Logan County. For the reasons below, the Board grants the motion.

Saint-Gobain filed this petition on October 3, 2003. Saint-Gobain appeals on the grounds that the Agency-issued CAAPP permit does not reflect the current applicable requirements or the current operations at the facility. Specifically, Saint-Gobain has concerns with Section 1.0 and Conditions 5.2.7; 7.1.6; 7.1.12; 7.1.13 and 7.5.12 of the final CAAPP permit. Saint-Gobain argues the Agency has exceeded its authority and imposed conditions that violate Section 39.5 of the Act. 415 ILCS 5/39.5 (2002).

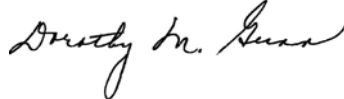
Motions to stay a proceeding must be accompanied by sufficient information detailing why a stay is needed. 35 Ill. Adm. Code 101.514(a). If a party files no response to a motion within 14 days the party will be deemed to have waived objection to the granting of the motion. See 35 Ill. Adm. Code 101.500(d). Saint-Gobain requests that the Board stay the proceedings in this matter pending decision in a related enforcement matter, People v. Saint-Gobain Containers, Inc., PCB 03-22.

On October 5, 2005, the Office of the Attorney General, on behalf of the People of Illinois (People), filed a motion to stay the enforcement matter. The Board granted the stay on December 15, 2005. Saint-Gobain contends that the resolution of the permit appeal is tied to the resolution of the People's enforcement case. Accordingly, Saint-Gobain requests the Board to stay the proceedings of this matter until the People's enforcement case is resolved. Saint-Gobain argues that a stay of the instant permit appeal could preserve Board resources and promote judicial economy.

To date the Agency has not responded to Saint-Gobain's motion for stay. Therefore, the Agency waives any objection to the Board granting the motion. *See* 35 Ill. Adm. Code 101.500(d). Saint-Gobain has filed an open waiver of decision deadline. The Board grants Saint-Gobain'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 February 16, 2006, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board