

ILLINOIS POLLUTION CONTROL BOARD  
December 19, 2002

PPG INDUSTRIES, INC., )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 03-82  
 ) (Permit Appeal - Air)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by C.A. Manning):

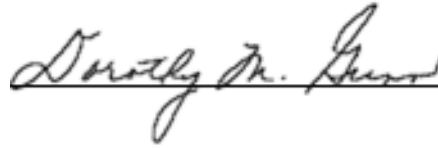
On December 10, 2002, PPG Industries, Inc. (PPG) timely filed a petition asking the Board to review a November 7, 2002 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 105.206(a). The Agency imposed certain emission limitations on the Title V Permit for PPG's flat glass manufacturing facility located at Elwin and Mount Zion Roads in Mount Zion, Macon County. PPG appeals on the grounds, among others, that the Agency allegedly failed to include in the Title V Permit the hourly emission requirements found in the State Operating Permit. PPG's petition meets the content requirements of 35 Ill. Adm. Code 105.210. The Board accepts the petition for hearing.

PPG has the burden of proof. 415 ILCS 5/40(a)(1) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002; *see also* 35 Ill. Adm. Code 105.112(a). Hearings "will be based exclusively on the record before the Agency at the time the permit or decision was issued." 35 Ill. Adm. Code 105.214(a). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002), which only PPG may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, PPG "may deem the permit issued." 415 ILCS 5/40(a)(2) (2000). Currently, the decision deadline is April 9, 2003 (the 120th day after December 10, 2002). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for April 3, 2003.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by January 10, 2003. 35 Ill. Adm. Code 105.212(a). If the Agency wishes to seek additional time to file the record, it must file a request for extension before the date on which the record is due to be filed. 35 Ill. Adm. Code 105.116. The record must comply with the content requirements of 35 Ill. Adm. Code 105.212(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 19, 2002, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board