

ILLINOIS POLLUTION CONTROL BOARD  
May 5, 2005

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

ORDER OF THE BOARD (by A.S. Moore):

On April 26, 2005, petitioner PPG Industries, Inc. (PPG) filed a Motion to Voluntarily Dismiss its Petition for Administrative Review and Stay of Effectiveness, without prejudice. For the reasons below, the Board grants PPG's motion, but does so with prejudice.

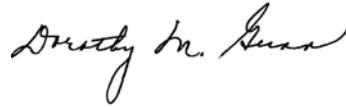
By way of background, in a December 19, 2002 order, the Board accepted for hearing PPG's petition contesting a November 7, 2002 determination of the Illinois Environmental Protection Agency (Agency). The Agency imposed certain air emission limits on the Title V permit for PPG's flat glass manufacturing facility, which is located at Elwin and Mount Zion Roads in Mount Zion, Macon County. On February 6, 2003, the Board granted, without objection, PPG's request to stay certain portions of the permit.

In its April 26, 2005 motion, PPG states that after it filed the appeal with the Board, PPG and the Agency exchanged additional information about PPG's processes, and the Agency agreed to revise the permit. Motion at 1-2. According to PPG, the Agency issued a final revised Title V permit on February 1, 2005, incorporating emission limits and calculation methods agreed upon by the parties. *Id.* at 2. PPG maintains therefore that it no longer wishes to pursue this appeal, the dismissal of which the Agency does not oppose. *Id.* PPG asks the Board to dismiss this appeal "without prejudice." *Id.*

The Board grants PPG's motion. The Board must, however, dismiss the appeal *with* prejudice because the statutory time period for PPG to file an appeal of the Agency determination at issue has already expired. *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.206. Accordingly, in granting PPG's motion, the Board terminates the stay, dismisses the appeal with prejudice, and closes the docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 5, 2005, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board