

ILLINOIS POLLUTION CONTROL BOARD  
September 20, 2001

BRIDGESTONE/FIRESTONE OFF-ROAD )  
TIRE COMPANY, )  
 )  
Petitioner, )  
 )  
v. ) PCB 02-31  
 ) (Permit Appeal – Air)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

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

On September 10, 2001, Bridgestone/Firestone Off-Road Tire Company (Bridgestone/Firestone) timely filed a petition asking the Board to review an August 6, 2001 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40.2(a) (2000); 35 Ill. Adm. Code 105.302(e). On August 6, 2001, the Agency issued a Clean Air Act Permit Program (CAAPP) permit with conditions. The permit was issued after review of a permit application of Bridgestone/Firestone under Section 39.5 of the Environmental Protection Act (Act) (415 ILCS 5/39.5 (2000)). The CAAPP permit application concerns Bridgestone/Firestone's off-road rubber tire manufacturing facility located at Veterans Parkway and Fort Jesse Road, Bloomington, McClean County, Illinois.

Section 40.2(a) of the Act (415 ILCS 5/40.2(a) (2000)) allows several persons to appeal Agency CAAPP permit determinations: permit applicants; persons who participated in the Agency's public comment process under Section 39.5(8) of the Act (415 ILCS 5/39.5(8) (2000)); and persons who could obtain judicial review under Section 41(a) of the Act (415 ILCS 5/41(a) (2000)). 415 ILCS 5/40.2(a) (2000); *see also* 35 Ill. Adm. Code 105.302(c). Bridgestone/Firestone is the CAAPP permit applicant. Bridgestone/Firestone appeals on the grounds that permit condition 7.3.6 unreasonably separates the facility's tire assembly machines into separate groups, each with a different emission limit. In the petition, Bridgestone/Firestone requests a stay of effectiveness for the August 6, 2001, permit.

The Board accepts the petition for hearing, but reserves ruling on the request for stay of effectiveness until the Agency has the opportunity to address the issue. The Agency's response to the request for stay, if any, is due on or before October 4, 2001.

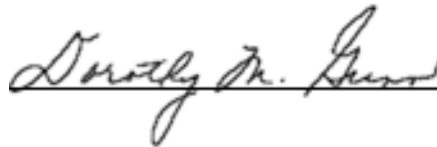
Bridgestone/Firestone has the burden of proof. 415 ILCS 5/40.2(a) (2000); *see also* 35 Ill. Adm. Code 105.112(a). Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40.2(c) (2000)), which only Bridgestone/Firestone may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, "the permit shall not be deemed issued; rather, the

petitioner shall be entitled to an Appellate Court order pursuant to Section 41(d) of this Act [415 ILCS 5/41(d) (2000)].” 415 ILCS 5/40.2(c) (2000). Currently, the decision deadline is January 8, 2002. *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for December 20, 2001.

Unless the Board or the hearing officer orders otherwise, the Agency must file an answer, including the entire record of its determination, within 30 days after it is served with the petition. 35 Ill. Adm. Code 105.302(f). 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 105.302(f).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the above order was adopted on September 20, 2001, 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