



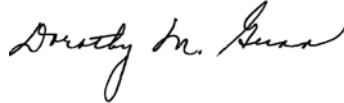
filed within that time, the People are deemed to have waived any objection to the granting of the motion. *Id.*

The Board's procedural rules provide that the "procedure for stay of any final Board order during appeal will be as provided in Rule 335 of the Rules of the Supreme Court of Illinois (S. Ct. Rule 335)." 35 Ill. Adm. Code 101.906(c). Supreme Court Rule 335(g) states that "[a]pplication for a stay of a decision or order of an agency pending direct review in the Appellate Court shall ordinarily be made in the first instance to the agency." 172 Ill. 2d R. 335(g).

The decision to grant or deny a motion for a stay is "vested in the sound discretion of the Board." See People v. State Oil Co., PCB 97-103 (May 15, 2003) (granting motion for stay after petition for review filed), *aff'd. sub nom State Oil Co. v. PCB*, 2004 Ill. App. Lexis 968 (2nd Dist., Aug. 18, 2004). The Board has been reluctant to stay its orders when a stay may result in harm to the public or the environment. See, e.g., Panhandle Eastern Pipeline Co. v. IEPA, PCB 98-102 (July 8, 1999), *aff'd. sub nom Panhandle Eastern Pipeline Co. v. PCB and IEPA*, 314 Ill. App. 3d 296, 734 N.E.2d 18 (4th Dist, 2000). The Board has granted stays of its orders with respect to payment of penalties. See, e.g., IEPA v. Pielet Bros. Trading, Inc., PCB 80-185, *aff'd sub nom Pielet Bros. Trading Co. v. PCB*, 110 Ill. App. 3d 752, 442 N.E.2d 1374 (5th Dist, 1982). Consistent with this precedent and with Illinois Supreme Court Rule 335(g), the Board grants Blue Ridge's motion for stay.

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 16, 2004, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board