

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SAINT-GOBAIN CONTAINERS, INC.,	)	
a Delaware corporation,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 04-47
	)	(CAAPP Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Ms. Dorothy M. Gunn	Carol Webb, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today served on the Office of the Clerk of the Illinois Pollution Control Board a **MOTION TO STAY PROCEEDINGS**, a copy of which is herewith served upon you.

Respectfully submitted,

SAINT-GOBAIN CONTAINERS, INC.,  
Petitioner,

Dated: January 17, 2006

By: /s/N. LaDonna Driver  
One of Its Attorneys

N. LaDonna Driver  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

THIS FILING SUBMITTED ON RECYCLED PAPER

**CERTIFICATE OF SERVICE**

I, N. LaDonna Driver, the undersigned, hereby certify that I have served the  
attached MOTION TO STAY PROCEEDINGS upon:

Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

via electronic mail on January 17, 2006; and upon:

Dennis E. Brown, Esq.  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276 – Mail Code #21  
Springfield, Illinois 62794-9276

Carol Webb, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Post Office Box 19274  
Springfield, Illinois 62794-9274

by depositing said documents in the United States Mail, postage prepaid, in Springfield,  
Illinois on January 17, 2006.

/s/N. LaDonna Driver  
N. LaDonna Driver

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	)	
Respondent.	)	

**MOTION TO STAY PROCEEDINGS**

NOW COMES Petitioner, SAINT-GOBAIN CONTAINERS, INC. (hereinafter "Saint-Gobain" or "Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, and requests that the Board stay the proceedings in this matter, pending decision in a related matter, People v. Saint-Gobain Containers, Inc., PCB 03-22 ("enforcement case") stating as follows:

1. On September 30, 2003, Petitioner filed a Petition for Review of the Clean Air Act Permit Program permit granted to Saint-Gobain by the Illinois Environmental Protection Agency on August 26, 2003.
2. On October 16, 2003, the Board accepted this matter for hearing.
3. On October 23, 2003, Petitioner filed a Notice of Waiver of 120-Day Decision Deadline for an Additional 90 Days.
4. On January 19, 2004, Petitioner filed an open waiver of the statutory 120-day decision deadline, in order to conduct settlement negotiations in this matter. This permit appeal involves an issue that is the focus of the above-referenced pending

enforcement case. Thus, the permit appeal has been tracking the State's enforcement case, as evidenced by the Hearing Officer Orders in these cases.

5. On October 5, 2005, the State filed a Motion to Stay the enforcement case. In the Motion to Stay, the State explained that it is participating with the United States Environmental Protection Agency in a joint federal and state global initiative regarding air issues at Saint-Gobain facilities. Motion to Stay, at paragraph 1. One of the facilities in the initiative is the same facility involved in the State's enforcement case (and this permit appeal). Motion to Stay, at paragraph 2. In addition, the initiative involves an issue that is central to the State's enforcement case (and this permit appeal). Motion to Stay, at paragraph 4.

6. The State also stated that the "federal action will develop an appropriate technical remedy and seek resolution of the same violations alleged in the State's Complaint independent of the State's enforcement action in the instant case." Motion to Stay, at paragraph 5. Also, if the Board and federal initiative "proceed independently, a substantial likelihood exists for overlapping or inconsistent injunctive relief in each case." Motion to Stay, at paragraph 7.

7. Saint-Gobain did not object to the State's Motion to Stay the enforcement case. The Board granted the Motion to Stay on December 15, 2005.

8. The resolution of the permit appeal is tied to the resolution of the State's enforcement case. See paragraphs 7 and 9 of the Petition for Review. Therefore, we request the Board to stay the proceedings of this matter until both the federal initiative, and the State's enforcement case, are resolved.

9. This Motion for Stay of Proceedings is made in good faith and is not for purposes of undue delay. A stay of the instant permit appeal could preserve Board resources and promote judicial economy.

WHEREFORE, Petitioner respectfully requests that the Board stay the proceedings in this matter until such time as a resolution of the federal matter and the related enforcement matter before the Board is known.

Respectfully submitted,

SAINT-GOBAIN CONTAINERS, INC.,  
Petitioner,

By: /s/N. LaDonna Driver  
N. LaDonna Driver

Dated: January 17, 2006

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SGCO:001/Fil/PCB No. 04-47/Motion to Stay Proceedings