

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 09 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN, Attorney
General of the State of Illinois

Complainant,

v.

No. PCB 05-32

GTC, INTERNATIONAL,
an Illinois corporation,

Respondent.

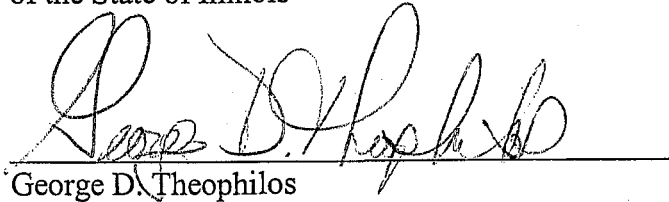
NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on the 9th day of June, 2005, the Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, filed with the Illinois Pollution Control Board, its Motion to Voluntarily Dismiss Its Complaint Without Prejudice, a true and correct copy of which is attached hereto and is hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois

By:



George D. Theophilos
Assistant Attorney General
Environmental Bureau
188 West Randolph Street, 20th Fl.
Chicago, IL 60601
(312) 814-6986

DATE: June 9, 2005

SERVICE LIST

Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601

Ms. Maureen Wozniak, Esq.
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

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STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney General)
of the State of Illinois,)
))
Complainant,)
))
vs.)
))
GTC, INTERNATIONAL, INC.,)
an Illinois corporation,)
))
Respondent.)

No. PCB 05-32
(Enforcement – Air)

**COMPLAINANT'S MOTION TO VOLUNTARILY DISMISS ITS COMPLAINT
WITHOUT PREJUDICE**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, requests that the Illinois Pollution Control Board ("Board") dismiss the above captioned complaint without prejudice. In support thereof, Complainant states as follows:

1. This action was brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion, and upon the request of the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2002).

2. Complainant filed a ten-count complaint against GTC, INTERNATIONAL ("GTC") on August 18, 2004.

3. GTC INTERNATIONAL, INC is an assumed name of Silver Capital Corporation. Silver Capital Corporation filed Chapter 7 Bankruptcy on November 1, 2004 in the Phoenix District of the United States Bankruptcy Court of Arizona.

4. A November 10, 2004 inspection of GTC's Bedford Park facility by the Illinois EPA revealed that operations at the facility had ceased.

5. On January 19, 2005, Complainant filed a motion to deem facts admitted and for summary judgment in the above captioned enforcement action.

6. On January 27, 2005, Marks, Marks, and Kaplan, the law firm which had been representing GTC, filed its Notice of Withdrawal of Counsel for Respondent with the Board. No answer was filed on GTC's behalf and GTC never participated in any status conferences after its counsel's withdrawal.

7. On March 3, 2005, the Board granted Complainant's motion to deem facts admitted and for summary judgment and directed the parties to hearing on the issue of remedies.

8. In light of the Chapter 7 Filing, the Complainant has determined that it is unlikely that Complainant would be able to collect any judgment that might be entered against GTC; and that, therefore, further enforcement proceedings would not be a productive use of either the Complainant's or the Board's limited resources.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, respectfully requests that the Board issue an order voluntarily dismissing the complaint without prejudice.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN,
Attorney General of the
State of Illinois

BY:

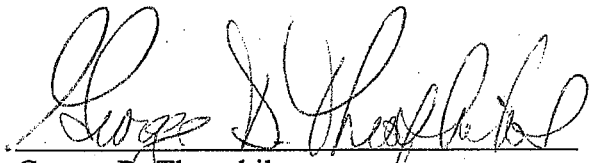


Handwritten signature of George D. Theophilos in cursive script, written over a horizontal line.

GEORGE D. THEOPHILOS
Assistant Attorney General
Environmental Bureau
188 W. Randolph Street, 20th Floor
Chicago, IL 60601
(312) 814-6986

CERTIFICATE OF SERVICE

I, George D. Theophilos, an attorney, do certify that I caused the forgoing Notice of Filing together with Complainant's Motion to Voluntarily Dismiss Its Complaint Without Prejudice, to be served on each of the above-named persons, by placing the same in a properly addressed envelope, with postage prepaid, and depositing the same in the U.S. Mail, before 5:00 p.m. this 9th day of June.


George D. Theophilos