

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF)
 ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 SAINT-GOBAIN CONTAINERS,)
 INC., a Delaware corporation,)
)
 Respondent.)

**PCB NO. 03-22
(Enforcement)**

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

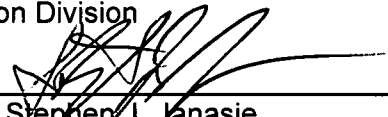
PLEASE TAKE NOTICE that on May 26, 2010, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, a MOTION FOR VOLUNTARY DISMISSAL, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

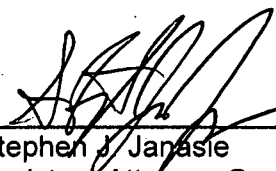
MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
 Stephen J. Janasie
 Assistant Attorney General
 Environmental Bureau

500 South Second Street
 Springfield, Illinois 62706
 217/782-9031
 Dated: May 26, 2010

CERTIFICATE OF SERVICE

I hereby certify that I did on May 26, 2010, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and MOTION FOR VOLUNTARY DISMISSAL upon the persons listed on the Service List.



Stephen J. Janasie
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

N. LaDonna Driver
Hodge Dwyer Driver
3150 Roland Avenue
P.O. Box 5776
Springfield, IL 62705-5776

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794

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MOTION FOR VOLUNTARY DISMISSAL

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 2-1009 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-1009 (2006), moves to voluntarily dismiss without prejudice this action against Respondent, SAINT GOBAIN CONTAINERS, INC., and states as follows:

1. Complainant filed this action to seek enforcement and penalties for violations at the Respondent's facility in Lincoln, Logan County, Illinois.
2. On August 3, 2005, the United States Environmental Protection Agency (USEPA) extended to the Illinois Environmental Protection Agency an invitation to participate in a joint federal and state global initiative to address possible violations of federal and state law and regulations by Saint-Gobain.
3. On October 5, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois, filed a motion to stay this enforcement action brought against Saint-Gobain Containers, Inc.
4. On December 15, 2005, the Board granted the motion to stay this enforcement

action, recognizing that the federal action would 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 and that if this enforcement and the federal action were allowed to proceed independently a substantial likelihood existed for overlapping or inconsistent injunctive relief in each case.

5. On May 7, 2010, the United States District Court for the Western District of Washington at Seattle granted the United States of America's motion to enter a final consent decree in the federal action, which included an appropriate technical remedy and penalty for the Lincoln facility

6. Since the federal action has adequately addressed the environmental violations at the Lincoln facility, there is no reason to pursue further enforcement.

WHEREFORE, the Complainant prays that the Board enter an order of voluntary dismissal without prejudice in this cause.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN,
Attorney General
of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 

THOMAS DAVIS, Bureau Chief
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: May 26, 2010