

ILLINOIS POLLUTION CONTROL BOARD
July 1, 2010

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Petitioner,)	
)	
v.)	PCB 03-22
)	(Enforcement – Air)
SAINT-GOBAIN CONTAINERS, INC.,)	
a Delaware corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

On May 27, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a motion to voluntarily dismiss without prejudice (Mot.) this enforcement action against Saint-Gobain Containers, Inc. (Saint-Gobain). For the reasons below, the Board grants the motion.

The People’s complaint, filed August 26, 2002, alleged that Saint-Gobain violated air pollution control requirements at its glass manufacturing facility, which is located at 1200 North Logan in Lincoln, Logan County. On October 5, 2005, the People moved to stay the proceeding to promote judicial economy while collaborating with the United States Environmental Protection Agency in a federal action. Saint-Gobain did not contest the motion for stay, and on December 15, 2005, the Board granted the motion, staying “this proceeding until the Board orders otherwise.” People v. Saint-Gobain Containers, Inc., PCB 03-22, slip op. at 2 (Dec. 15, 2005).

According to the People’s pending motion to voluntarily dismiss, 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. Mot. at 2. The People represent that the consent decree “included an appropriate technical remedy and penalty for the Lincoln facility.” *Id.* The People further state that because the federal action “has adequately addressed the environmental violations at the Lincoln facility, there is no reason to pursue further enforcement.” *Id.*

Saint-Gobain has not responded to the People’s motion for dismissal without prejudice. Therefore, Saint-Gobain waives any objection to the Board granting the motion. *See* 35 Ill. Adm. Code 101.500(d). The Board terminates the stay, grants the motion, and closes this docket.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 1, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board