

ILLINOIS POLLUTION CONTROL BOARD
March 31, 1994

JAMES RIVER PAPER COMPANY, INC.)
)
 Petitioner,)
)
 v.) PCB 92-112
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by M. McFawn):

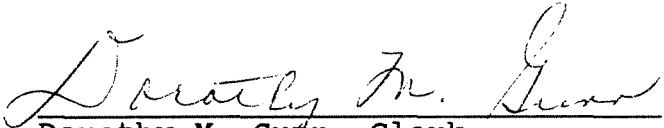
This matter is before the Board pursuant to James River Paper Company's (James River) March 29, 1994 motion for voluntary dismissal of its permit appeal. The motion indicates that all issues between the parties were resolved by the amendments to 35 Ill. Adm. Code Part 218, Subpart TT, which were adopted as part of R93-9, the Omnibus Cleanup of the Volatile Organic Material RACT Rules, finalized September 9, 1993.

The Board notes that James River has requested that the motion be granted without prejudice. However, under Section 40 of the Environmental Protection Act (415 ILCS 5/40(1992)), a permit appeal must be filed within 35 days of the permit denial. Since the permit denial was issued June 22, 1992, a subsequent petition for review would now be time barred.

The motion for voluntary dismissal is hereby granted.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 31st day of March, 1994, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board