

ILLINOIS POLLUTION CONTROL BOARD
April 5, 2001

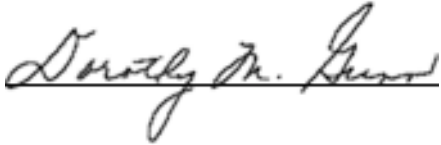
GUNITE CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 94-382
)	(Permit Appeal – Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by E.Z. Kezelis):

On March 13, 2001, Gunite Corporation filed a motion to voluntarily dismiss with prejudice this action against the Illinois Environmental Protection Agency. The motion is granted, and this matter is dismissed. Two matters raised in the motion are worth a brief mention. First, the dismissal is granted “with prejudice” in the sense that the action cannot be refiled since further appeal is time-barred by Section 40 of the Environmental Protection Act. 415 ILCS 5/40 (1998). Additionally, Section 40 contains no provision for the assessment of litigation costs to or against the parties.

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 5th day of April 2001 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board