

ILLINOIS POLLUTION CONTROL BOARD  
September 17, 1992

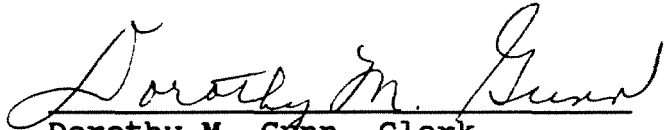
AMERICAN FLY ASH COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-106
	)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by B. Forcade):

On September 15, 1992, American Fly Ash Company and the Illinois Environmental Protection Agency filed a Joint Motion to Dismiss. The Board notes that petitioner's filing requests that this proceeding be dismissed without prejudice. Since the filing indicates that the appeal was brought from issuance by the Agency of administrative warning notices, which are not appealable actions, no appeal can ever be brought from this action. Therefore, the concept of dismissal without prejudice has no meaning here. The motion is granted and this matter is dismissed.

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 17<sup>th</sup> day of September, 1992, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

0136-0071