

ILLINOIS POLLUTION CONTROL BOARD
December 2, 2004

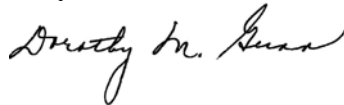
ROCK ROAD COMPANIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 05-54
)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On October 20, 2004, respondent, the Illinois Environmental Protection Agency (Agency), filed a motion to dismiss this air permit appeal concerning an asphalt plant located at 801 Beale Court in Rockford, Winnebago County. Petitioner, Rock Road Companies, Inc. (Rock Road), received several extensions of time to file a response to the Agency's motion, but never filed a response. On November 23, 2004, Rock Road filed a Withdrawal of Permit Appeal (Withdrawal), stating that the company "stipulates that this Permit Appeal is permanently withdrawn, not to be refiled." Withdrawal at 1. The Board construes Rock Road's Withdrawal as a motion to voluntarily dismiss this air permit appeal with prejudice, which the Board grants. The Board therefore finds the Agency's motion moot and closes the docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 2, 2004, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board