

**BEFORE THE MARICOPA COUNTY  
AIR POLLUTION HEARING BOARD**

In the matter of:	)	
	)	<b>ORDER OF DISMISSAL</b>
Phoenix Brick Yard	)	
1814 S. 7 <sup>th</sup> Ave.	)	Cause No. MCAPHB2011-01-PA
Phoenix, AZ 85007	)	Permit No. 090298
	)	
Appellant.	)	
_____	)	

**BEFORE:**

Kimberly W. MacEachern, chair, Jean McGrath and Shane Leonard, members. Eric L. Hiser, Board counsel, served as presiding officer.

**APPEARANCES:**

Roger K. Ferland and Michelle De Blasi, Quarles & Brady LLP for appellant Phoenix Brick Yard. Kevin S. Costello and Dan Brenden, Maricopa County Attorney's Office for appellee Maricopa County Air Quality Department (MCAQD).

**PROCEDURAL HISTORY:**

Appellee MCAQD issued a Non-Title V Air Quality Permit (the "permit") to Appellant Phoenix Brick Yard on April 22, 2011. On May 23, 2011, Appellant filed an appeal challenging the lawfulness of Condition 52(a) of the permit. Pursuant to Pretrial Order #1, Appellant subsequently filed a statement of grounds for its appeal. In Pretrial Orders #2 through 4, the presiding officer continuances to facilitate settlement. On September 13, 2011, the parties filed a notice of settlement with the Board. On October 7, 2011, the Appellant filed a motion to dismiss pursuant to the settlement agreement.

**FINDINGS AND CONCLUSIONS:**

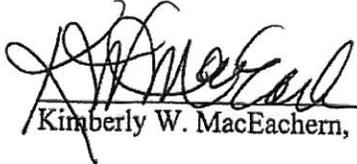
The Board finds that settlement is in the best interest of the parties and the public and that this matter should be dismissed.

**IT IS THEREFORE ORDERED:**

1. That this matter is dismissed.

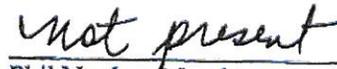
So ordered this 14<sup>th</sup> day of November, 2011.

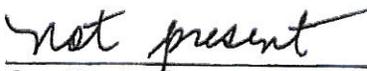
We concur:

  
Kimberly W. MacEachern, Chair

  
Shane Leonard, Member

  
Jean McGrath, Member

  
Phil Noplos, Member

  
Gary Van Hofwegen, Member

COPIES of the foregoing mailed this 14<sup>th</sup> day of November, 2011 to:

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Heather Thrasher, Board Clerk