

**BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA**

IN THE MATTER OF: THE)	BER CASE NO. 2008-22 AQ
APPEAL BY THE USDA FOREST)	
SERVICE NORTHERN REGION)	DISMISSAL ORDER
OF THE AIR QUALITY MAJOR)	
OPEN BURNING PERMIT FEE)	
FOR CALENDAR YEAR 2009)	

The Montana Department of Environmental Quality (“Department”) has filed a motion to dismiss this contested case without prejudice. The USDA Forest Service does not oppose the motion.

For the reasons stated in the Department’s motion, this contested case proceeding is dismissed without prejudice.

DATED this _____ day of _____, 2009.

JOSEPH W. RUSSELL, M.P.H., Chairman
Board of Environmental Review

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing Dismissal Order to be served on the following persons by hand-delivery or by placing the same in the U.S. mail, first class postage prepaid:

David M. Rusoff (hand-delivery)
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Kenneth P. Pitt (regular mail)
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DATED: _____