

**FILED**

**JAN 22 2004**

HEARING BOARD  
BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

BEFORE THE HEARING BOARD  
OF THE  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
STATE OF CALIFORNIA

MARY ROMAIDIS  
CLERK  
HEARING BOARD  
BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

In the Matter of the Appeal of )  
 )  
OWENS CORNING (Santa Clara) ) No. 3276  
 )  
From the Denial of Emission Reduction ) ORDER FOR DISMISSAL  
Credits: Application Number 18028 )  
\_\_\_\_\_ )

The above-entitled matter is an Appeal from the Denial of Emission Reduction Credits: Application Number 18028, having been filed on June 18, 1999. On May 11, 2000, the Hearing Board filed an Order Denying Appeal.

On October 15, 2003, Appellant requested the Hearing Board to place the Appeal back on its calendar to resolve the remaining two issues as stated in the Court's Notice of Ruling. A Notice of Hearing for a Pro Forma Hearing was filed on October 16, 2003. On October 19, 2003, the Santa Clara County Superior Court issued a Peremptory Writ of Mandate. The Writ of Mandate directed Respondent Hearing Board to set aside and vacate its Order Denying Appeal in Docket No. 3276 filed on May 11, 2000, and ordered that Respondent Hearing Board shall consider the two remaining issues which were not decided on a full record in light of the Hearing Board's determination that those issues were moot.

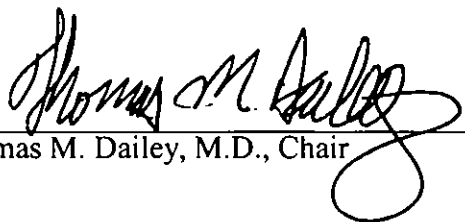
The Notice and Acknowledgement of Receipt of Peremptory Writ of Mandate was received on October 30, 2003; the matter having come on for a pro forma hearing on November 13, 2003; the Order Setting Aside and Vacating May 11, 2000 Order Denying Appeal and Scheduling Further Proceedings having been filed on November 18, 2003; Appellant having submitted a letter

ARB

1 on January 8, 2004, advising the Hearing Board that the District issued Emission Reduction  
2 Banking Certificate No. 564 to Owens Corning on December 30, 2003. Accordingly, Appellant  
3 withdrew its Appeal on January 8, 2004.

4 FOR GOOD CAUSE, in accordance with Section 5.7 of the Hearing Board Rules, the  
5 HEARING BOARD ORDERS that the Appeal be and is hereby dismissed.

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Thomas M. Dailey, M.D., Chair

1-22-04  
Date