

ENVIRONMENTAL QUALITY BOARD  
CHARLESTON, WEST VIRGINIA

WEST VIRGINIA ALCOHOL BEVERAGE  
CONTROL ADMINISTRATION,

Appellant,

v.

Appeal No. 09-04-EQB

DIRECTOR, DIVISION OF WATER AND WASTE  
MANAGEMENT, WEST VIRGINIA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Appellee.

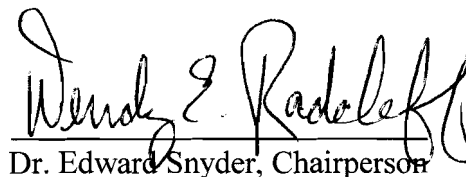
**ORDER DISMISSING APPEAL WITHOUT PREJUDICE**

Appeal No. 09-04-EQB was filed with the West Virginia Environmental Quality Board ("Board") on May 1, 2009. On May 19, 2009, the Environmental Quality Board ("Board") received Appellee's Motion to Dismiss. Pursuant to the Procedural Rules of the Environmental Quality Board the Appellant was permitted ten (10) days to respond to the Appellant's Motion. The Appellant did not respond to the Motion. The Board having reviewed the Motion, the Notice of Appeal, and the statutes and regulations governing procedures and authority of the Board finds it necessary and proper to **GRANT** the Motion to Dismiss and hereby dismisses the Appeal without prejudice.

The Board finds that the action appealed by the Appellant on May 1, 2009 is not an appealable final order or permit giving the Board jurisdiction to hear said appeal at this time.

**ORDERED** and **ENTERED** this 3<sup>d</sup> day of June, 2009.

Environmental Quality Board

  
Dr. Edward Snyder, Chairperson