

**FILED**

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

**OCT 23 2006**

Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO )  
BLACK DIAMOND ENERGY, INC. )  
410 MOUNT NEBO ROAD )  
PITTSBURGH, PA 15237 )

DOCKET NO. 3761-05

**JOINT MOTION TO DISMISS APPEAL**

Black Diamond Energy, Inc. ("Black Diamond") and the State of Wyoming hereby jointly move the Environmental Quality Council to dismiss the Appeal filed by Black Diamond on June 28, 2005 in the above-captioned matter. As grounds for this motion, the Parties state as follows:

1. Following the appeal of the Notice of Violation and Order in this Matter, Black Diamond submitted a permit application to re-permit the facility at issue in the NOV in the manner requested by the DEQ. The permit was issued on or about January 24, 2006 and was not subsequently appealed by any party.
2. The issuance of the new permit has rendered the instant appeal moot. The DEQ issued a Notice of Compliance in this matter on April 10, 2006.
3. The undersigned parties are the only parties to the instant appeal.

WHEREFORE, the Parties jointly move the EQC to dismiss the referenced appeal.

DATED this 23 day of October, 2006.

FOR BLACK DIAMOND:

  
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