

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

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**DD OIL COMPANY,
A WEST VIRGINIA CORPORATION,**

Appellant,

v.

Appeal No. 22-01-EQB

**STATE OF WEST VIRGINIA, EX REL.,
HAROLD D. WARD, CABINET SECRETARY,
WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,**

Appellee.

FINAL ORDER

The Appellee, Harold D. Ward, Cabinet Secretary, West Virginia Department of Environmental Protection ("WVDEP"), by counsel, previously moved the Board for entry of an order dismissing the above-styled action with prejudice and striking it from the docket of the Board. WVDEP so moved on the basis that the underlying subject matter of the appeal had been vacated and that the appeal was accordingly moot.

On March 9, 2022, WVDEP issued Order 2022-6, denying the Appellant's request to review and annul Notices of Violation ("NOVs") Nos. 11778, 11779, 11780, and 11781. On July 13, 2022, WVDEP issued Order 2022-9, vacating Order 2022-6 and annulling the underlying NOVs.

Upon consideration of the pleadings, the record, and oral argument by counsel, the Board grants WVDEP's motion pursuant to W. Va. Code § 22B-1-7 and W. Va. Code R. § 46-4-2. The Board finds that the WVDEP action which is the subject of the appeal has been vacated and that the Board therefore lacks subject matter jurisdiction to consider the appeal of that action. The appeal is thus rendered moot.

ACCORDINGLY, the Board hereby order that WVDEP's motion is **GRANTED** and the above-styled matter is **DISMISSED** with prejudice and stricken from the docket of the Board.

The Appellant's objections are noted.

The Clerk of the Board shall forward a true copy of this Order to all counsel of record.

It is so **ORDERED** and **ENTERED** this **25th** day of July, 2022.


Edward M. Snyder, Chairman

Prepared by:

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WEST VIRGINIA DEPARTMENT OF
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Appellee.

CERTIFICATE OF SERVICE

I hereby certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, have this day, the 15th day of August, 2022, served a true copy of the foregoing **FINAL ORDER** upon the following:

J. Morgan Leach, Esq.
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Vienna, WV 26105

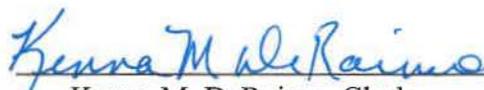
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Kenna M. DeRaimo, Clerk