

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

FILED

APR 26 2007

Terri A. Lorenzon, Director Environmental Quality Council

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO )

Greg Corbett, P.E. ) Delta Air Lines, Inc. ) P.O. Box 20706 ) Atlanta, GA 30320-6001 )

Docket No. 07-5200

MOTION TO DISMISS PETITION FOR HEARING AND APPEAL

Delta Air Lines, Inc. (Delta) files this Motion to Dismiss Petition for Hearing and Appeal in the Matter of the Notice of Violation and Order Issued to Delta Air Lines, Inc. upon the following grounds:

- 1. On September 14, 2005, Delta filed a voluntary petition for relief in the United States Bankruptcy Court for the Southern District of New York (Court), and the Court entered an Order of Relief under Chapter 11 of Title 11 of the U.S. Bankruptcy Code (Case No. 05-17923 ASH), creating an automatic stay of any pre-petition obligations.
2. On January 5, 2007, the Wyoming Department of Environmental Quality (WY DEQ) issued a Notice of Violation and Order, Docket Number 3996-07, to Delta regarding a Contaminated Site Fee for a former underground storage tank previously located at the Natrona County International Airport in Casper, Wyoming.
3. On January 18, 2007, Delta filed a timely petition for a hearing before the Environmental Quality Council and an appeal of the NOV and WY DEQ's attempts to collect the Contaminated Site Fee as such actions violated the automatic stay imposed by the Court.
4. On February 27, 2007 the WYDEQ issued an Order to Vacate the Notice of Violation and Order, Docket Number 3996-07 issued to Delta (attached hereto).

WHEREFORE, the Order to Vacate the Notice of Violation and Order has made the need for the Hearing and Appeal moot, Delta respectfully moves the Environmental Quality Council to dismiss its request for such Hearing and Appeal.

Handwritten signature of Alison J. Lathrop

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