## BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

| In the Matter of the Appeal    | . ) |                    | LILED  |
|--------------------------------|-----|--------------------|--|
| and Petition for Review of:    | j , |                    | NOV 0 9 2010   |
| BART Permit No. MD-6040        | )   | Docket No. 10-2801 | Jim Ruby, Executive Secretary<br>Environmental Quality Council |
| (Jim Bridger Power Plant); and | )   |                    | Environment Executive So                                       |
| BART Permit No. MD-6042        | )   |                    | Quality Courtary   |
| (Naughton Power Plant).        | )   |                    | Jouncil  |

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## JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT AND DISMISSAL

Petitioner PacifiCorp, by and through its counsel of record, and Respondent Wyoming Department of Environmental Quality, Air Quality Division ("DEQ/AQD"), by and through the Wyoming Attorney General's Office, and pursuant to WYO. STAT. § 16-3-107(n), WYO. STAT. 35-11-112(c)(ii) and Chapter I, § 11 of the DEQ's Rules of Practice and Procedure hereby jointly move the Council for an Order (1) approving their Settlement Agreement, attached as Exhibit 1 hereto, and (2) modifying BART Permit Nos. MD-6040 and MD-6042 in accordance with the terms of the Settlement Agreement.

WYO. STAT.§ 16-3-107(n) and Chapter I, § 11 of the DEQ's Rules of Practice and Procedure provide for disposition of contested cases by agreed settlement of the parties upon approval of the Environmental Quality Council (the "Council"). WYO. STAT. 35-11-112(c)(ii) further provides that the Council may order the modification of a permit.

PacifiCorp and DEQ/AQD have conferred regarding the issues in this contested case and have reached an agreed settlement of these issues, as memorialized in the attached Settlement Agreement.

WHEREFORE, PacifiCorp and DEQ/AQD jointly request that the Council enter an Order:

- (a) approving, incorporating, and binding them to the terms of the attached Settlement Agreement, and in accordance therewith;
- (b) modifying Permit No. MD-6040 in conformance with paragraph five (5)(b) of the attached Settlement Agreement;
- (c) dismissing PacifiCorp's Appeal and Petition for Review of BART permit Nos. MD-6040 and MD-6042; and
- (d) continuing the Council's limited jurisdiction over the Settlement Agreement, in conformance with Section 7 of the attached Settlement Agreement.
- (e) providing that PacifiCorp and DEQ/AQD shall each bear their own costs and attorney fees.

RESPECTFULLY SUBMITTED this  $\underline{9^{19}}$  day of November 2010.

FOR PACIFICORP

11/9/2010

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## **CERTIFICATE OF SERVICE**

| The undersigned hereby certifies that correct copy of the foregoing JOINT MOTION AGREEMENT AND DISMISSAL was serven.            | ON FOR |   |
|---|--------|---|
| John Corra, DEQ Director<br>Herschler Building, 4 <sup>th</sup> Floor<br>122 West 25 <sup>th</sup> Street<br>Cheyenne, WY 82002 | Nancy  | U.S. Mail, postage prepaid Hand Delivery Fax Overnight courier Electronically via LexisNexis File & Serve  Wehr, Sr. Asst. A.G. |