

JUN 02 2003

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

Terri A. Lorenzon, Director  
Environmental Quality Council

**In the Matter of the Appeal of Air  
Quality Permit No. CT-1352A (Corrected),  
Two Elk Generating Station-Unit 1** )

**Docket No. 02-2601**

**ORDER APPROVING JOINT STIPULATION  
FOR DISPOSITION OF CONTESTED CASE**

The parties to this Joint Stipulation are Petitioner Two Elk Generating Partners (TEGP) and Respondent Wyoming Department of Environmental Quality (DEQ), Air Quality Division (AQD). TEGP initiated this contested case by filing with the Wyoming Environmental Quality Council (Council) a Petition for Review and Request for Immediate Stay dated October 23, 2002 to contest a decision by Respondent DEQ/AQD, regarding Air Quality Permit No. CT-1352A (corrected). Since then the parties have engaged in discovery and also in negotiations for disposition of this contested case by stipulation. The parties have now filed with the Council a Joint Stipulation for disposition of this contested case according to the terms specified therein (including modification of Air Quality Permit No. CT-1352A (corrected) as Air Quality Permit No. CT-1352B in the stipulated form), upon approval by the Council.

W.S. 16-3-107(n) and Chapter I, §11 of the DEQ Rules of Practice & Procedure provide for disposition of contested cases by stipulation of the parties upon approval of the Council. W.S. 35-11-112(c)(ii) provides that the Council may order that any permit be modified. Having considered the parties' Joint Stipulation, including the proposed permit modification, and being fully advised in the premises, the Council hereby ORDERS as follows:

IT IS ORDERED that

1. The parties' Joint Stipulation for disposition of this matter is approved and incorporated herein by this reference, and the parties are bound by its terms.
2. Air Quality Permit No. CT-1352A (corrected) shall be modified as Air Quality Permit No. CT-1352B (in the form attached to and incorporated in the parties' stipulation).

3. The Council retains jurisdiction in this matter for the purposes specified in the Joint Stipulation between TEGP and the DEQ.

DATED this 29<sup>th</sup> day of May, 2003.

Thomas G. Dunn  
Chair, WY EQC