

FILED

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

DEC 3 2007

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF THE APPEAL OF THE)
REVOCATION OF PERMIT NO. CT-1352B)
TWO ELK POWER PLANT)

Docket No. 07-2601

**ORDER APPROVING PARTIES' JOINT STIPULATED SETTLEMENT, and
DISMISSING TEGP'S APPEAL, and APPROVING THE WITHDRAWAL OF
AUGUST 22 LETTER**

THIS MATTER having come before the Environmental Quality Council ("EQC") upon Respondent Department of Environmental Quality ("DEQ"), Air Quality Division ("AQD") and Petitioner Two Elk Generation Partners', Limited Partnership ("TEGP"), "Joint Motion for Dismissal of Appeal, Approval of Settlement Stipulation, and Request for Setting of Hearing" and the Respondent DEQ/AQD appearing by and through its attorney, Ms. Nancy E. Vehr, Sr. Assistant Attorney General, and the Petitioner TEGP appearing by and through its attorney, Ms. Rebecca W. Watson, the Council having reviewed the Motion, the terms of the "Parties' Joint Stipulated Settlement Agreement" and the file herein, and having heard the statements of the parties and counsel, and otherwise being fully informed of the premises, HEREBY ORDERS:

1. The Parties' Joint Stipulated Settlement Agreement is hereby approved, and its terms are incorporated by reference into this Order. The Parties are bound by and shall comply with the terms of the Joint Stipulated Settlement Agreement.
2. DEQ/AQD's August 22 Letter to TEGP having been rescinded simultaneously with entry of this Order, hereby approves such rescission.

3. TEGP's appeal and all remaining issues pending in this action are dismissed with prejudice.


DATED this _____ day of November, 2007.

Kirby L. Hedrick, Presiding Officer
Environmental Quality Council
122 W. 25th Street, Rm 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
Fax: 307-777-6134

APPROVED AS TO FORM:

Ms. Rebecca W. Watson
Attorney for Petitioner TEGP

Date: _____



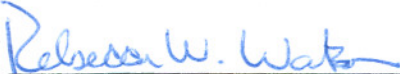
Nancy E. Veehr, Sr. Asst. Attorney General
Attorney for Respondent DEQ/AQD

Date: 11/21/07

DATED this _____ day of November, 2007.

Kirby L. Hedrick, Presiding Officer
Environmental Quality Council
122 W. 25th Street, Rm 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
Fax: 307-777-6134

APPROVED AS TO FORM:

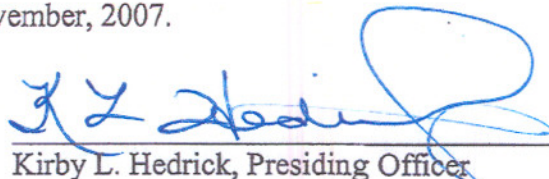


Ms. Rebecca W. Watson (5-1683)
Attorney for Petitioner TEGP

Nancy E. Vehr, Sr. Asst. Attorney General
Attorney for Respondent DEQ/AQD

3. TEGP's appeal and all remaining issues pending in this action are dismissed with prejudice.

DATED this 30 day of November, 2007.

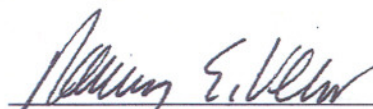


Kirby L. Hedrick, Presiding Officer
Environmental Quality Council
122 W. 25th Street, Rm 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
Fax: 307-777-6134

APPROVED AS TO FORM:

Ms. Rebecca W. Watson
Attorney for Petitioner TEGP

Date: _____



Nancy E. Vehr, Sr. Asst. Attorney General
Attorney for Respondent DEQ/AQD

Date: 11/21/07

CERTIFICATE OF SERVICE

I, Alyx Reed, certify that at Cheyenne, Wyoming, on the 3rd day of December, 2007 I served a copy of the foregoing **ORDER** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Rebecca W. Watson
Hogan & Hartson LLP
1200 Seventeenth Street, Suite 1500
Denver, CO 80202

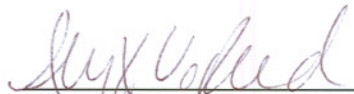
Dennis Arfmann
Hogan & Hartson LLP
1470 Walnut Street, Suite 200
Boulder, CO 80302

also to the following persons via interoffice mail:

Nancy Vehr
Office of Attorney General
123 State Capitol
Cheyenne, WY 82002

John Corra
Director
Department of Environmental Quality
122 W. 25th St., Herschler Bldg.
Cheyenne, WY 82002

David Finley
AQD Administrator
Department of Environmental Quality
122 W. 25th St, Herschler Bldg.
Cheyenne, WY 82002



Alyx Reed
Environmental Quality Council
122 W. 25th Street,
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002
Tel: (307) 777-7170
Fax: (307) 777-6134