

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

In the Matter of the Appeal)
Of the Revocation of)
Permit No. CT-1352B) Docket No. 07-2802
Two Elk Power Plant)

**TWO ELK GENERATION PARTNERS, LIMITED PARTNERSHIP'S
MOTION TO DISMISS APPEAL**

EXHIBIT D



WYOMING ENVIRONMENTAL QUALITY COUNCIL

DAVE FREUDENTHAL
Governor
TERRI LORENZON, ESQ.
Director



Mark Gordon, Chair
Jon E. Brady, Vice Chair
Richard C. Moore, P.E., Secretary
Dennis M. Boal
Sara M. Flitner
Wendy S. Hutchinson, P.E.
John N. Morris

The Environmental Quality Council is scheduled to hold a hearing June 22, 2005, in the Town Hall Council Chambers, 420 Broadway, Thermopolis, Wyoming. The hearing will concern the Ken Harvey Rabbit Pit case, EQC Docket No. 04-2801. The Council may render a decision on this case in a meeting immediately following the hearing, or a decision may be made at the meeting June 27-28, 2005.

The Environmental Quality Council is scheduled to hold a hearing and a meeting June 27-28, 2005, in Casper, Wyoming in Room 217, College Center, Casper College. The Council will meet beginning at 9:00 a.m., each day. The following is the Council's tentative agenda:

For updated meeting information, please contact the Council office at (307) 777-7170 or check the Council's website at: <http://deq.state.wy.us/eqc/>

HEARINGS: Land Quality Coal Rule Packages 1P and 1T.

MEETING: (The Council will convene the meeting at the conclusion of the hearings which may be on June 28, 2005.)

1. Call to order.
2. Approval of minutes: April 11, 2005.
3. Motions for Approval:
 - a. Joint Motion and Stipulation for Withdrawal and Dismissal of Appeal, Wyoming Outdoor Council v. Wyoming DEQ and Petroleum Association of Wyoming (CUAA), Docket No. 02-3803 (WQ)
 - b. Joint Stipulation for Withdrawal of Appeal and Dismissal with Prejudice, Snowy Range Properties, LLC, DEQ Docket No. 3629-04, EQC Docket No. 05-3201 (WQ)
 - c. Joint Stipulation and Motion for Disposition of Contested Case, Edward H. Swartz, et al., Consolidated Docket No. 02-3801 (WQ)
 - d. Withdrawal of Objection and Stipulated Motion to Dismiss, Rock Springs Mineral Processing (Philp Sheep Company), Docket No. 05-4801 (LQ)
 - e. Motion to Intervene and Motion to Dismiss, Appeal & Review of Decision Regarding Reclassification of 8 Main Stream Drainages, Docket No. 05-3203 (WQ)
 - f. Motion to Amend Administrative Order on Consent, Duke Energy, Patrick Draw, DEQ Docket No. 3141-99, EQC Docket No. 00-5401

4. Orders for Approval:
 - a. Doud BTS, Order Approving NOV and Order, DEQ Docket No. 3651-05, EQC Docket No. 05-3401 (WQ)
 - b. Hayes Construction, Inc., Order Approving NOV and Order, DEQ Docket No. 3665-05, EQC Docket No. 05-3402 (WQ)
 - c. KLT Gas, Inc., Order Approving NOV and Order, DEQ Docket No. 3671-05, EQC Docket No. 05-3403 (WQ)
 - d. Texaco Exploration & Production, Inc., Order Approving NOV and Order, DEQ Docket No. 3697-05, EQC Docket No. 05-3404 (WQ)
 - e. Pioneer Oil & Gas, Order Approving NOV and Order, DEQ Docket No. 3686-05, EQC Docket No. 05-3405 (WQ)
 - f. K & H Construction, LLC., Order Approving NOV and Order, DEQ Docket No. 3669-05, EQC Docket No. 05-3406 (WQ)
 - g. Cortez Energy, Inc., Order Approving NOV and Order, DEQ Docket No. 3460-03, EQC Docket No. 03-3407 (WQ)
 - h. WESCO, Order Approving NOV and Order, DEQ Docket No. 3576-04, EQC Docket No. 04-3417 (WQ)
5. DEQ Status Report
Devon Energy, Docket No. 00-3717
6. Correction Order:
Malvin and Susan Coal, Petition of Designation of Jackson Canyon
7. Bond Forfeiture:
N.A. Corporation, Permit No. 678s, Docket No. 04-4403, final (LQ)
8. Bond Adequacy presentation by Rick Chancellor.
9. DEQ Update by John Corra and discussion of rulemaking survey
10. Schedule next meeting.
11. Adjourn.

In accordance with the Americans with Disabilities Act, special assistance or alternate formats will be made available upon request for individuals with disabilities.

AGENDA ADDENDUM

The following item has been added to the Environmental Quality Council agenda for the June 27-28, 2005, meeting in Casper.

4. Orders for Approval:
 - i. Two Elk Generation Partners, action on Order regarding Air Quality permit, EQC Docket No. 02-2601

*Notice List -
Regular mail*

2005 AGENDA ADDRESSES

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Antelope Coal Company
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Associated Legal Group, LLC
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Biodiversity Conservation Alliance
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Cogema Mining, Inc.
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