

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

In the Matter of :)
Basin Electric Power Cooperative)
Air Quality Permit No. MD-6047)
BART Permit: Laramie River Station)

Docket No. 10-2802

NOV 16 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

**JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT AND
FOR AN ORDER STAYING THIS APPEAL PENDING FINAL DISMISSAL**

Petitioner Basin Electric Power Cooperative (“Basin Electric”), 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. ANN. §§ 16-3-107(n) and 35-11-112(c)(ii) and Chapter I, § 11 of the DEQ’s Rules of Practice and Procedure hereby jointly move this Council for an Order approving their Settlement Agreement, attached as Exhibit I hereto, and modifying Permit No. MD-6047 in accordance with the terms of the Settlement Agreement, pending DEQ’s final determination to go forward with the settlement as described below.

WYO. STAT. ANN. § 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 this Council. WYO. STAT. ANN. § 35-11-112(c)(ii) further provides that this Council may order the modification of a permit.

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

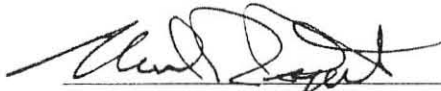
WHEREFORE, Basin Electric and the DEQ/AQD jointly request this Council enter an Order:

1. Approving the Settlement Agreement attached hereto as Exhibit 1.
2. Staying the appeal pending DEQ/AQD's consideration and determination of public comments on its draft Regional Haze State Implementation Plan, and pending its decision whether to go forward with the Settlement. Pursuant to paragraph 6 of the Settlement Agreement, DEQ retains the right to cancel the Settlement Agreement following its consideration of public comment, if any, on the terms of the related Regional Haze State Implementation Plan.
3. Requiring the Parties to advise the Council in writing and submit an Order for the Council to enter dismissing the Appeal if DEQ decides to go forward with the Settlement Agreement. In the event DEQ decides to cancel the Settlement Agreement, pursuant to its terms, the Parties are required to advise the Council that the stay should be lifted and the case set for disposition on the merits.

WHEREFORE, the Parties move this Council to approve the terms of the attached Settlement Agreement and enter an Order staying the appeal. A proposed form of Order is attached.

RESPECTFULLY SUBMITTED this 16th day of November, 2010.

FOR BASIN ELECTRIC:

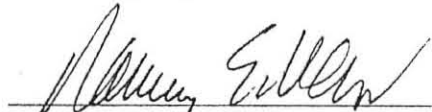


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