

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

OCT 12 2011

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

Docket No. 10-2802

J. Ruby, Executive Secretary
Environmental Quality Council

ORDER OF CONDITIONAL DISMISSAL

This matter having come before this Council upon Petitioner Basin Electric Power Cooperative (“Basin Electric”) and Respondent Wyoming Department of Environmental Quality, Air Quality Division’s (“DEQ/AQD”) Joint Motion for Conditional Dismissal, and this Council having reviewed the Motion and being otherwise fully advised in the premises, hereby:

FINDS:

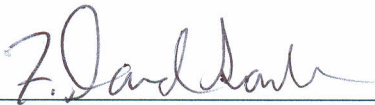
1. This Council has jurisdiction over the subject matter and the parties to this proceeding pursuant to WYO. STAT. ANN. § 35-11-112 and Chapter I, Section 11 of the DEQ Rules of Practice and Procedure.
2. On Nov. 19, 2010, this Council entered its Order Approving Settlement Agreement and Staying Appeal Pending Final Dismissal. Paragraph 3 of the Nov. 19, 2010 Order requires the Parties to submit an order of dismissal for the Council to enter if DEQ/AQD decided not to cancel the Settlement Agreement.
3. The DEQ/AQD decided not to cancel the Settlement Agreement. After receiving and considering public comment on the November 5, 2010 Draft Wyoming State Implementation Plan for Regional Haze Addressing Requirements Under 40 C.F.R. § 51.309(g) (“Draft RH 309(g) SIP”), the DEQ/AQD submitted the RH 309(g) SIP to

EPA on or about January 14, 2011, with Sections 6.5.8 and 8.3.3 modified to reflect Paragraphs 7.B, 7.C and 7.D of the Parties' Settlement Agreement.

ORDERS THAT:

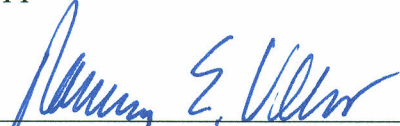
1. Basin Electric's Appeal and Petition for Review of Permit No. MD-6047 ("Appeal") is dismissed conditioned upon the satisfactory completion of paragraph 5.D of the Settlement Agreement;
2. The Council shall retain jurisdiction over Basin Electric's Appeal for the purpose of hearing the Appeal if Paragraph 5.D of the Settlement Agreement is not met; and
3. Each Party shall bear its own costs and attorney fees through the entry of this Order.

DATED this 10 day of October, 2011.




F. David Searle, Presiding Officer

Approved as to Form:



Nancy E. Vehr, Sr. Asst. A.G. (#6-3341)
Attorney for State of Wyoming, DEQ/AQD



Mark R. Ruppert, P.C. (#6-3593)
Attorney for Basin Electric

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 12th day of October, 2011, I served a copy of the foregoing ORDER OF CONDITIONAL DISMISSAL by electronic mail to the following:

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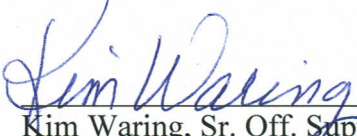
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