

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

**MAY 04 2012**

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE APPEAL )  
AND PETITION FOR REVIEW OF THE )  
NOTICE OF VIOLATION AND ORDER )  
ISSUED TO THUNDER BASIN COAL )  
COMPANY FOR OPERATIONS AT )  
COAL CREEK MINE )

EQC Docket No. 11-4601

STIPULATED MOTION TO DISMISS

Petitioners, Thunder Basin Coal Company (Thunder Basin) and Respondent, Wyoming Department of Environmental Quality, Land Quality Division (DEQ), pursuant to Wyo. R. Civ. P. 41(a), move to dismiss this case with prejudice upon the following grounds:

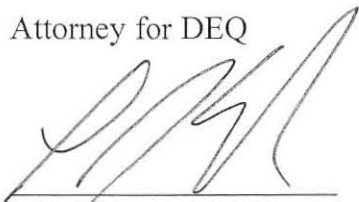
1. On July 22, 2011, DEQ issued Notice of Violation No. 10056 (NOV) to Thunder Basin for failure to contain NOx fumes originating from cast blasting at its Coal Creek Mine in Campbell County, Wyoming.
2. Thunder Basin requested an informal conference to contest the alleged violations cited in the NOV.
3. On August 29, 2011, an informal conference was held at the office of the Director of DEQ in Cheyenne.
4. On September 19, 2011, the Director issued his decision upholding the NOV.
5. Thunder Basin timely filed an appeal to the Director's decision on October 7, 2011.

6. Thunder Basin and DEQ entered settlement discussions which have resulted in a Settlement Agreement between the parties.

WHEREFORE, Thunder Basin and DEQ request that the case be dismissed with prejudice.

DATED, this 25 day of April, 2012.

Attorney for DEQ



Luke J. Esch  
Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002  
[Luke.esch@wyo.gov](mailto:Luke.esch@wyo.gov)

Attorney for Thunder Basin



William B. Prince  
Dorsey & Whitney, LLP  
136 South Main St.,  
Suite 1000  
Salt Lake City, UT 84101  
[prince.william@dorsey.com](mailto:prince.william@dorsey.com)

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The Environmental Quality Council, having considered the parties Stipulated Motion to Dismiss, and being otherwise fully advised in the premises, hereby:

DATED, this \_\_\_\_\_ day of May, 2012.

Tim Flitner, Presiding Officer  
Environmental Quality Council