

FILED

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL NOV 27 2006
STATE OF WYOMING**

**Terri A. Lorenzon, Director
Environmental Quality Council**

IN THE MATTER OF THE APPEAL OF)
4W RANCH, ROBERT L. HARSHBARGER)
AND JEAN SHERWIN HARSHBARGER) Docket No. 04-3801
AND THEIR OBJECTIONS TO WYPDES)
PERMIT NOS. 0051217, 0051233, 0051373)

**WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S RESPONSE TO
BILL BARRETT CORPORATION'S MOTION FOR REMAND**

The Wyoming Department of Environmental Quality (DEQ) responds as follows to Bill Barrett Corporation's (BBC) Motion for Remand dated November 3, 2006, in the above-captioned case before the Wyoming Environmental Quality Council (Council or EQC).

BBC's motion asks the Council to remand its decision on the Palm Tree Project permit in this case to the DEQ, withdraw or withhold instruction on implementation of the permit condition imposing an EC/SAR ratio, stay enforcement of the decision until the revisions to Chapter 1 of the DEQ Water Quality Rules are approved and the Agricultural Use Policy has been reviewed by the Council, and direct DEQ to apply the finalized policy.

The DEQ does not object to BBC's motion for remand, and respectfully suggests that the Council withhold its specific direction on the Palm Tree Project permit until the Agricultural Use Policy has been reviewed by the Council and finalized.

Dated this 27 day of November, 2006.



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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S RESPONSE TO BILL BARRETT CORPORATION'S MOTION FOR REMAND was served this 21 day of November, 2006 by e-mail and deposit in the United States mail, first class postage prepaid, addressed as follows:

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