

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

IN THE MATTER OF THE APPEAL OF)	
PERMIT NO. WY0055158)	Docket No. 07-3615
THE TERMO COMPANY)	

ORDER DISMISSING APPEAL

The Termo Company (Termo) filed a Petition for Review of WYPDES Permit No. WY0055158 (the contested permit) before the Wyoming Environmental Quality Council (EQC) on May 4, 2007, contesting the effluent limits in that permit, which was issued by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) on March 8, 2007, authorizing Termo to discharge water produced from its Homestead Draw II coal bed methane project into the Bitter Creek drainage, subject to specified conditions.

Termo subsequently submitted an application for a modification of Permit No. WY0055158 to provide for total containment of the discharged produced water from the permitted facilities plus freeboard to contain up to a 50-year / 24-hour storm event, subject to option 1B effluent limits. The DEQ reviewed Termo's application, and on February 15, 2008 published notice and put out for public comment a proposed modification of Permit No. WY0055158, based on that application. The DEQ received no comments on the proposed modification of Permit No. WY0055158 during the public comment period, which closed on March 18, 2008, and issued the modification of Permit No. WY0055158 on March 20, 2008.

On March 20, 2008, Termo and the DEQ, the only parties in this contested case, filed with the EQC a Joint Stipulation for Withdrawal and Dismissal of Appeal, whereby upon issuance of the modified Permit No. WY0055158, Termo's pending Petition for Review before the EQC shall be deemed withdrawn. Chapter I, Section 11(a) of the DEQ Rules of Practice & Procedure provides for disposition of contested cases by stipulation of the parties

DRAFT

upon approval of the EQC. Having reviewed the parties' Joint Stipulation for Withdrawal and Dismissal of Appeal and other pertinent information, and being advised in the premises,

IT IS ORDERED that:

1. The parties' Joint Stipulation for Withdrawal and Dismissal of Appeal is approved;
2. Termo's pending Petition for Review in this matter before the EQC, being deemed withdrawn, is hereby dismissed.

DATED this ____ day of _____, 2008.

DRAFT

Presiding Officer