

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

\_\_\_\_\_  
IN THE MATTER OF THE APPEAL )  
OF PENNACO ENERGY, INC. FROM )  
CONDITIONS IN RENEWAL OF )  
WYPDES PERMIT NOS. WY0039721, )  
WY0039616, WY0048461, WY0052361, )  
WY0048283, WY0039632, WY0048631 )  
\_\_\_\_\_ )

**Consolidated Docket No. 07-3620**

**ORDER DISMISSING APPEALS WITH PREJUDICE**

THIS Order arises out of a Motion to Dismiss With Prejudice the Appeals of WYPDES Permit Numbers WY0039721, WY0048283, WY0052361, WY0039632 and WY 0048631.

The hearing examiner finds that On June 24, 2008, the Environmental Quality Council ("EQC") approved a Settlement Agreement between Pennaco, the State of Wyoming, and the Powder River Basin Resource Council ("PRBRC") resolving the administrative appeals of WYDPES permits WY0039721, WY0048283, WY0052361, WY0039632 and WY 0048631 without the need for continued proceedings before EQC.

The hearing examiner also finds that Paragraph 1 of the approved Settlement Agreement required Pennaco to dismiss with prejudice its appeal of WYDPES permits WY0039721, WY0048283, WY0052361, WY0039632 and WY 0048631.

**IT IS HEREBY ORDERED** that the appeals regarding WYPDES Permit Nos. WY0039721, WY0048283, WY0052361, WY0039632 and WY 0048631 filed by Pennaco Energy Inc. shall be dismissed with prejudice.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2008,

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Dennis M. Boal, Hearing Examiner  
Environmental Quality Council  
122 W. 25th Street  
Herschler Bldg., Rm. 1714  
Cheyenne, WY 82002  
Tel: 307-777-7170  
Fax: 307-777-6134