

**FILED**

**OCT 06 2008**

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE APPEAL )  
AND REVIEW OF THE ISSUANCE )  
OF WYOMING POLLUTATN DISCHARGE )  
ELIMINATION SYSTEM (WYPDES) )  
PERMITS WY0056146 AND WY0056201 )  
(Yates Permits, Gauge and Wormwood) )  
DATED February 4, 2008 )

Docket No. 08-3801

JOINT STIPULATION FOR WITHDRAWAL  
AND VOLUNTARY DISMISSAL OF APPEAL

Come now the Petitioner, Yates Petroleum Corporation (Yates), and Respondent, the Wyoming Department of Environmental Quality (DEQ) (collectively, the Parties), pursuant to Chapter II, Section 14 of the DEQ Rules of Practice & Procedure and Rule 41(a)(ii) of the Wyoming Rules of Civil Procedure, and hereby file this Joint Stipulation for Withdrawal and Voluntary Dismissal of Appeal. Yates and DEQ are the only parties to this appeal.

DEQ issued WYPDES Permits WY0056146 and WY0056201 (the contested permits) to Yates for its Wormwood and Gauge projects, respectively, on or about February 4, 2008. Yates filed a Notice of Appeal and Request for Hearing on April 3, 2008, appealing certain terms and conditions in the contested permits. The DEQ filed a Response in this matter on May 30, 2008.

Chapter II, Section 14 of the DEQ Rules of Practice and Procedure makes the Wyoming Rules of Civil Procedure applicable to matters before the Environmental Quality Council (EQC). Rule 41(a)(ii), Wyo. R. Civ. P. provides for voluntary dismissal



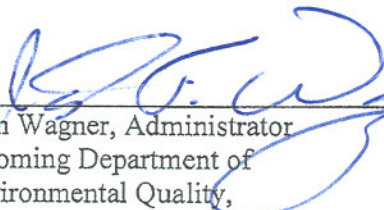
of actions by stipulation of the parties. The Parties now jointly stipulate to withdrawal and voluntary dismissal of this appeal before the EQC prior to hearing.

Each party shall bear its own costs and attorney fees incurred through the filing of this Joint Stipulation with the EQC.

DATED this 6th day of October, 2008.



Matthew Joy  
Eric L. Hiser (WY Bar No. 6-4003)  
Jordan Bischoff & Hiser  
7272 E, Indian School Road, Suite 360  
Scottsdale, AZ 85251  
Phone: (480) 505-3900  
Email: [mjoy@jordenbischoff.com](mailto:mjoy@jordenbischoff.com)  
Attorneys for Yates Petroleum Corporation



John Wagner, Administrator  
Wyoming Department of  
Environmental Quality,  
Water Quality Division  
Herschler Building, 4<sup>th</sup> Floor West  
122 W. 25<sup>th</sup> Street  
Cheyenne, WY 82002  
Phone: (307) 777-7781  
Email: [Jwagne@wyo.gov](mailto:Jwagne@wyo.gov)



Mike Barrash (WY Bar No. 5-2310)  
Wyoming Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002  
Phone: (307) 777-6946  
Email: [mbarra@state.wy.us](mailto:mbarra@state.wy.us)  
Attorney for DEQ

**Certificate of Service**

I certify that on this 6<sup>th</sup> day of October, 2008, service of a true and complete copy of Joint Stipulation for Withdrawal and Voluntary Dismissal of Appeal was made upon each party or attorney of record herein as indicated below.

The ORIGINAL and eleven (11) copies were filed by Federal Express and also emailing a .pdf version of the same on October 6<sup>th</sup>, 2008 with:

Terri Lorenzon, Director / Attorney  
Wyoming Environmental Quality Council  
122 W. 25<sup>th</sup> Street  
Herschler Bldg., R. 1714  
Cheyenne, Wyoming 82002

COPIES were served by Federal Express and also emailing a .pdf version of the same on October 6<sup>th</sup>, 2008 with:

Office of the Attorney General  
123 Capitol  
200 W. 24<sup>th</sup> Street  
Cheyenne, WY 82002

John Corra, Director  
Department of Environmental Quality  
122 W. 25<sup>th</sup> Street  
Herschler Building, 4th Floor West  
Cheyenne, WY 82002

(2 COPIES)

John Wagner  
Wyoming DEQ, Water Quality Division  
122 W. 25<sup>th</sup> Street  
Herschler Building, 4<sup>th</sup> Floor  
Cheyenne, WY 82002



A handwritten signature in black ink, appearing to read "John Wagner", is written over a horizontal line.