

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

IN THE MATTER OF THE APPEAL)
OF PENNACO ENERGY, INC. OF)
CONDITIONS IN RENEWAL OF) **Docket No. 09-3601**
WYPDES PERMIT NO. WY0040797)

ORDER STAYING PROCEEDINGS

THIS MATTER came before the Environmental Quality Council on the Joint Stipulation to Stay Proceedings submitted by Petitioner Pennaco Energy, Inc. (Pennaco) and Respondent Wyoming Department of Environmental Quality (DEQ), the sole parties in this case.

IT IS HEREBY ORDERED that further proceedings in Docket No. 09-3601 are stayed until:

 a) the EQC makes its final decision in the pending rulemaking involving Wyoming Water Quality Rules and Regulations (WWQRR) Chapter 1, Appendix H (Final Decision), and

 b) following the Final Decision, a Pre-Hearing Conference is held in this case pursuant to Chapter I, Section 9 of the EQC Rules of Practice and Procedure and the EQC issues an order governing further proceedings in this appeal.

IT IS FURTHER ORDERED that during the interim between (a) the filing of this Joint stipulation and (b) the later of (i) termination of the stay in accordance with an order issued by the EQC governing further proceedings after the conclusion of the Pre-Hearing Conference in Docket No. 09-3601 or (ii) ninety (90) days following DEQ’s written notification to Pennaco, after the Final

Decision, of DEQ's intent to issue the pending proposed modification of WYPDES renewal permit WY0040797:

a) DEQ will not issue the pending proposed modification of WYPDES renewal permit WY0040797, and

b) Pennaco shall operate in accordance with the contested renewal permit, as modified by DEQ on January 9, 2009, as well as the effluent limits for SAR, if any, in the most recent WYPDES permit WY0040797 issued prior to the contested renewal permit.

DATED this ____ day of April, 2009.

Dennis Boal, Presiding Officer
Environmental Quality Council
12 W. 25th St., Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
Fax: 307-777-6134