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FILED

OCT 02 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

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

IN THE MATTER OF THE APPEAL OF)
POWDER RIVER BASIN RESOURCE)
COUNCIL, BERNADETTE BARLOW)
BERNADETTE BARLOW TRUST,)
WILLIAM L. BARLOW TRUST AND)
ERIC BARLOW FROM WYPDES)
PERMIT NO. WY0052299)

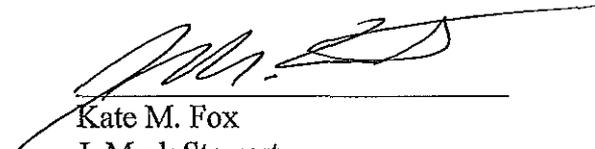
Docket No. 09-3802

PETITIONERS' STATUS REPORT

Petitioners by and through their counsel herewith submit their status report.

The appeal was stayed pending resolution of the Environmental Quality Council's rulemaking proceeding regarding Appendix H of Chapter 1 of the Wyoming Department of Environmental Quality's Water Quality Rules and Regulations. Whether that rulemaking will proceed and whether the outcome will be known in a timely manner is in considerable doubt. Petitioners' position has not changed during the stay. Because the permittee is authorized to continue discharges under the permit appealed, Petitioners see no need for further delay and are ready to proceed.

Respectfully submitted this 1st day of October, 2009.

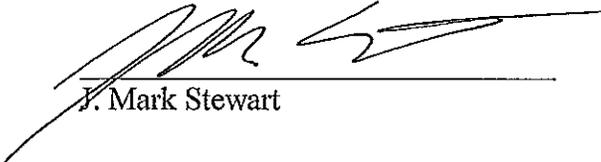

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CERTIFICATE OF SERVICE

I certify that on the 21st of October, 2009 I served a true and correct copy of the foregoing pleading by U.S. Mail to the following:

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