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Department of Environmental Quality

**FILED**

**AUG 03 2009**

**Jim Ruby, Executive Secretary  
Environmental Quality Council**

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF )  
MEDICINE BOW FUEL & POWER ) Docket No. 09-2801  
AIR PERMIT CT-5873 )

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DEQ'S MOTION TO DISMISS PM<sub>2.5</sub> AND CO<sub>2</sub> CLAIMS

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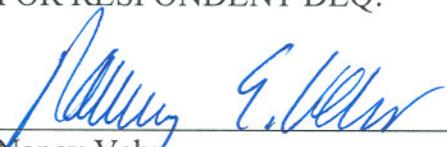
COMES NOW Respondent Wyoming Department of Environmental Quality (DEQ) by and through its undersigned counsel and pursuant to WYO. R. CIV. P. 12(b)(6) and the Environmental Quality Council Rules, Chapter II, Sections 3 and 14, hereby moves that Claims VII (PM<sub>2.5</sub>) and VIII (CO<sub>2</sub> and other Greenhouse Gases) set forth in Protestants' Protest and Petition for Hearing be dismissed. The grounds for this Motion are set forth in DEQ'S MEMORANDUM IN SUPPORT OF MOTION TO DISMISS PM<sub>2.5</sub> AND CO<sub>2</sub> CLAIMS, which is filed herewith.

WHEREFORE, Respondent DEQ respectfully requests this Council enter an Order dismissing all PM<sub>2.5</sub> and CO<sub>2</sub> claims set forth in Protestants' Protest and Petition

for Hearing and such other and further relief as this Council deems appropriate. A proposed Order is attached hereto.

DATED this 3<sup>rd</sup> day of August, 2009.

FOR RESPONDENT DEQ:

  
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Attorney for the State of Wyoming, DEQ

CERTIFICATE OF SERVICE

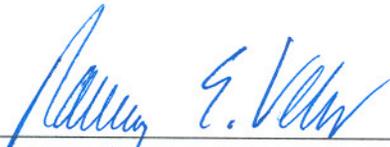
I hereby certify that I have served a true and correct copy of the foregoing DEQ'S MOTION TO DISMISS PM<sub>2.5</sub> AND CO<sub>2</sub> CLAIMS through United States mail, postage prepaid on this 3<sup>rd</sup> day of August, 2009 addressed to the following:

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Sierra Club Environmental Law  
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and via email addressed to the following:

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WYOMING ATTORNEY GENERAL'S OFFICE