

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

In the Matter of:)
Basin Electric Power Cooperative) Docket No. 10-2802
Air Quality Permit No. MD-6047)
BART Permit: Laramie River Station)

JOINT MOTION TO DISMISS WITH PREJUDICE

Petitioner Basin Electric Power Cooperative (“Basin Electric”), by and through its counsel, and Respondent Wyoming Department of Environmental Quality, Air Quality Division (“DEQ/AQD”), by and through the Wyoming Attorney General’s Office, pursuant to Wyo. Stat. Ann. § 16-3-107(n), hereby move this Council for an Order dismissing this matter with prejudice. In support of this Motion the Parties state as follows:

BACKGROUND

1. On March 8, 2010, Basin Electric filed an *Appeal and Petition for Review* (“Appeal”) of Air Quality Permit MD-6407 for the Laramie River Station, which was issued by the DEQ/AQD on December 31, 2009.
2. On November 16, 2010, the parties filed a *Joint Motion for Approval of Settlement Agreement and For an Order Staying This Appeal Pending Final Dismissal* with the Council. The Council entered an order approving the settlement agreement on November 19, 2010.
3. On August 23, 2011, the parties submitted a *Joint Motion for Conditional Dismissal*. The EQC entered the *Order of Conditional Dismissal* (“Order”) on October 12,

2011, conditioning final dismissal on satisfactory completion of the settlement agreement, which included approval of Wyoming's State Implementation Plan (SIP) by the EPA.

4. On January 30, 2014, the EPA partially disapproved that portion of Wyoming's SIP related to Laramie River Station and the State filed a *Petition for Review* in the United States Court of Appeals for the Tenth Circuit (Case No. 14-9533) challenging that disapproval. Basin Electric intervened in the case.

5. After protracted litigation, the parties entered into a settlement agreement in Case No. 14-9533. Basin Electric complied with the terms of that settlement agreement, and EPA issued the necessary final approval on May 20, 2019. *See* 84 Fed. Reg. 22711, *Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Revisions to Regional Haze State Implementation Plan; Revisions to Regional Haze Federal Implementation Plan* (May 20, 2019). Case No. 14-9533 was dismissed by the Tenth Circuit Court of Appeals on July 22, 2019.

6. Issuance of EPA's final approval renders this matter moot and ripe for final dismissal.

WHEREFORE, Basin Electric and DEQ/AQD jointly request the Council enter an Order finally dismissing Basin Electric's *Appeal and Petition for Review* with prejudice with each party to bear their own costs and attorney fees.

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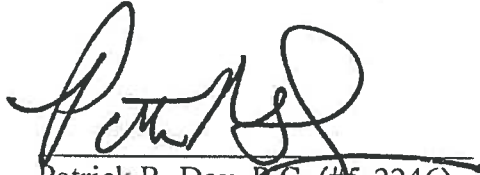
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DATED this 13th day of August, 2019.

FOR BASIN ELECTRIC:



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