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

IN THE MATTER OF THE WYOMING)
DEPARTMENT OF ENVIRONMENTAL)
QUALITY'S DECISION ON BROOK) Docket No. 17-4601
MINING COMPANY, LLC'S PERMIT)
APPLICATION (TFN 6 2/025))

JOINT MOTION TO DISMISS HEARING REQUEST

The Wyoming Department of Environmental Quality (Department) and Brook Mining Company, LLC (Brook) jointly move the Council to dismiss Brook's November 13, 2017, Petition for Hearing.

1. Brook filed this action as a protective appeal of the Department's October 11, 2017, decision denying Brook's coal mine permit application. The Department denied Brook's application in accordance with the Council's September 27, 2017, Findings of Fact, Conclusions of Law, and Order. *Brook Mine Application*, No. 17-4802 (EQC Sept. 27, 2017).

2. Separate from this action, Brook pursued an appeal of the Council's and the Department's decisions in the First Judicial District Court. *See In re Brook Mining*, No. 188-771 (Dist. Ct. Oct. 25, 2019). On Brook's motion, the Council stayed proceedings in this action pending the conclusion of Brook's district court appeal.

3. The district court decided Brook's appeal on October 25, 2019. However, two of the respondents sought further review in the Wyoming Supreme Court.

4. On July 7, 2020, the Department issued a new coal mine permit to Brook, based on Brook's revised permit application. In light of Brook's new permit, the Supreme Court dismissed the appeal before it as moot. *Powder River Basin Res. Council v. Wyo. Dep't of Env'tl. Quality*, No. S-20-0016, slip op. at 7 (Wyo. Sept. 28, 2020).

5. Because the district court and Supreme Court appeals are resolved, and because Brook has a new coal mine permit, no party has a remaining interest in this appeal before the Council.

Wherefore, the parties request that the Council dismiss Brook's Petition for Hearing.

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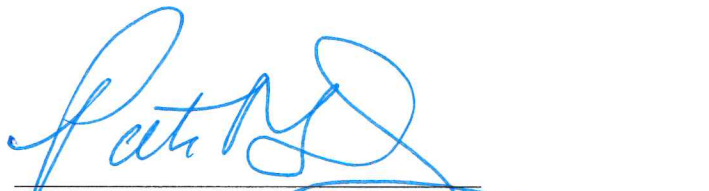
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Dated this 27th day of October, 2020.



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Attorneys for Brook Mining Co., LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Joint Motion to Dismiss Hearing Request* was served upon the persons listed below, on this 27th day of October, 2020, addressed as follows:

Wyoming EQC (Original) – **By Inter-Agency Mail**

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