

FILED

JUL 13 2010

Jim By, 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,) Docket No. 09-3802
WILLIAM L. BARLOW TRUST AND))
ERIC BARLOW FROM WYPDES))
PERMIT NO. WY0052299))

ORDER APPROVING JOINT STIPULATION AND DISMISSING APPEAL

On June 16, 2010, the Parties submitted their Stipulated Motion for Dismissal of Appeal in the above captioned matter. The parties jointly stipulate and agree that the EQC should enter an Order approving dismissal with prejudice of Petitioners' appeal in Docket No. 09-3802. Chapter I, Section 11 of the DEQ Rules of Practice & Procedure provides for disposition of contested cases by stipulation or agreed settlement of the parties, upon approval of the EQC. Having reviewed the parties' Joint Stipulation for Dismissal of Appeal and being fully advised in the matter, the Council FINDS and ORDERS as follows:

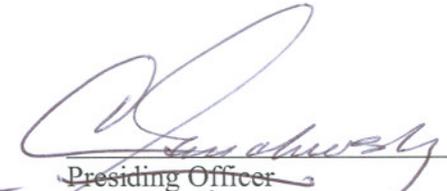
1. The Petitioners' appeal is now set for a contested case hearing for November 16-18, 2010.
2. The Permit appealed in this case expires by its own terms on November 30, 2010.
3. The Permittee BBC has applied for renewal of the permit under different terms.
4. The Permit, if renewed, will likely contain different terms and conditions.
5. Chapter 1, Section 11 of the DEQ Rules of Practice and Procedure provides for disposition of contested cases by stipulation of the parties upon approval of the EQC.
6. The Parties wish to conserve their resources and the resources of the EQC.

Therefore, IT IS HEREBY ORDERED that the Parties' Joint Stipulation for Dismissal of Appeal is approved; and

IT IS FURTHER ORDERED that Petitioners' appeal in Docket No. 09-3802 is dismissed with prejudice.

DATED this 8 day of ~~June~~, 2010.

July


Presiding Officer
Acting Chairperson

Approved as to Form:

FOR POWDER RIVER BASIN RESOURCE COUNCIL, BERNADETTE BARLOW, BERNADETTE BARLOW TRUST, WILLIAM L BARLOW TRUST AND ERIC BARLOW:

FOR WYOMING DEQ:


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John Burbridge
Attorney for Wyoming DEQ

FOR BILL BARRETT CORPORATION


Jack D. Palma
Attorney for Bill Barrett Corporation

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 13th day of July, 2010, I served a copy of the foregoing **ORDER APPROVING JOINT STIPULATION AND DISMISSING APPEAL** by electronic mail to the following:

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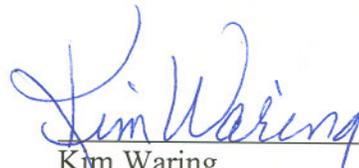
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