

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JAN 12 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE APPEAL)
OF PENNACO ENERGY, INC. OF)
CONDITIONS IN RENEWAL OF)
WYPDES PERMIT NO. WY0040797)


Docket No. 09-3601

JOINT STIPULATION TO DISMISS APPEAL


Petitioner Pennaco Energy, Inc. (Pennaco) and Respondent Wyoming Department of Environmental Quality (DEQ) hereby stipulate to dismissal with prejudice of the appeal of WYPDES renewal permit WY0040797 issued to Pennaco on December 31, 2008. Pennaco and DEQ are the only parties in this case. This dismissal is without prejudice to Pennaco's right to seek review in a new proceeding of any subsequent modification of the permit. Each party will bear its own costs in this matter.

Respectfully submitted,

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January 11, 2010