

**FILED**

AUG 17 2009

Jim Ruby, Executive Secretary  
Environmental Quality Council

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

IN THE MATTER OF:                    )  
MEDICINE BOW FUEL                    )                    DOCKET NO. 09-2801  
& POWER, LLC                         )  
AIR PERMIT CT-5873                    )

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**MEDICINE BOW FUEL & POWER'S RESPONSE TO AND JOINDER IN  
DEQ'S MOTION TO DISMISS PM<sub>2.5</sub> AND CO<sub>2</sub> CLAIMS**

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COMES NOW Medicine Bow Fuel & Power (MBFP), by and through its undersigned attorneys, and hereby responds to the Wyoming Department of Environmental Quality (DEQ)'s Motion to Dismiss PM<sub>2.5</sub> and CO<sub>2</sub> Claims:

1. On August 3, 2009, DEQ filed its motion to dismiss claims VII (PM<sub>2.5</sub>) and VIII (CO<sub>2</sub> and other greenhouse gasses) set forth in the Protest and 'Protest and Petition for Hearing.
2. MBFP hereby responds and respectfully states that it joins in DEQ's motion to dismiss those claims set forth in the Protest and 'Protest and Petition for Hearing.

WHEREFORE, MBFP hereby joins in the DEQ's motion and respectfully requests that the Council enter its order dismissing all PM<sub>2.5</sub> and CO<sub>2</sub> Claims set forth in the Protest and 'Protest and Petition for Hearing, and for further and other relief as the Council may deem just and appropriate.

Respectfully submitted this 17<sup>th</sup> day of August 2009.

MEDICINE BOW FUEL & POWER, LLC

By: Mary A. Throne

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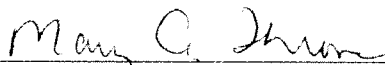
## CERTIFICATE OF SERVICE

I, Mary A. Throne, hereby certify that on this 17<sup>th</sup> day of August 2009 a true and correct copy of the foregoing **Medicine Bow Fuel & Power's Response to and Joinder in DEQ's Motion To Dismiss PM<sub>2.5</sub> and CO<sub>2</sub> Claims** was served in accordance with the requirements of Chapter I, Section 3(b) of the Department of Environmental Quality Rules of Practice and Procedure and Rule 5 of the Wyoming Rules of Civil Procedure, by United States mail, and electronic mail to:

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