

FILED

SEP 15 2006

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF THE TOWN OF)
WHEATLAND WASTEWATER STORAGE) Docket No. 05-3801
AND LAND APPLICATION)

**ORDER APPROVING JOINT STIPULATION FOR WITHDRAWAL
OF APPEAL AND DISMISSAL WITH PREJUDICE**

This matter having come before the Environmental Quality Council (EQC or Council) JOINT STIPULATION FOR WITHDRAWAL OF APPEAL AND DISMISSAL WITH PREJUDICE, filed on May 31, 2006 by Petitioners Lorraine Albright, Eugene Birkle and Mary Birkle and Respondents Town of Wheatland and Wyoming Department of Environmental Quality (DEQ), collectively the Parties to the Joint Stipulation. The Parties to the Joint Stipulation stipulate to specified modifications of contested Permit No. 04-316 by order of the EQC, and certain other terms, including withdrawal and dismissal with prejudice of Petitioners Lorraine Albright's, Eugene Birkle's and Mary Birkle's appeal of contested Permit No. 04-316. Petitioner Joe Geringer, although not a party to the Joint Stipulation, has signed the Joint Stipulation to state that he does not object to modification of Permit No. 04-316 as specified in the Joint Stipulation, although he retains his right under his pending appeal in this matter to object to or seek modification of other terms of Permit No. 04-316.

WYO. STAT. ANN. § 16-3-107(n) and Chapter 1, Section 11 of the DEQ Rules of Practice & Procedure provide for disposition of contested cases by stipulation of the parties upon approval of the Council. WYO. STAT. ANN. § 35-11-112(c)(ii) authorizes the Council to order that a permit be modified.

The Council having heard from the Parties to the Joint Stipulation at a public meeting held on June 7, 2006, and after reviewing the record and being advised in the premises;

HEREBY ORDERS that:

A. The JOINT STIPULATION FOR WITHDRAWAL OF APPEAL AND DISMISSAL WITH PREJUDICE, filed on May 31, 2006 is approved and incorporated herein, and shall be binding upon the Parties to the Joint Stipulation;

B. Permit No. 04-316 shall be modified by adding the terms as specified in the JOINT STIPULATION FOR WITHDRAWAL OF APPEAL AND DISMISSAL WITH PREJUDICE, filed on May 31, 2006;

C. Petitioners Lorraine Allbright's and Eugene and Mary Birkle's appeal in this matter is dismissed with prejudice; and

D. Petitioner Joe Geringer does not object to modification of Permit No. 04-316 as specified in the Joint Stipulation, but retains his right under his pending appeal in this matter to object to or seek modification of other terms of Permit No. 04-316.

DATED this 12th day of September, 2006.



Jon E. Brady