

FILED

JUN 02 2003

Terri A. Lorenzon, Director
Environmental Quality Council

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

**In the Matter of the Appeal of Air
Quality Permit No. CT-1352A (Corrected),
Two Elk Generating Station-Unit 1**

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Docket No. 02-2601

**ORDER APPROVING JOINT STIPULATION
FOR DISPOSITION OF CONTESTED CASE**

The parties to this Joint Stipulation are Petitioner Two Elk Generating Partners (TEGP) and Respondent Wyoming Department of Environmental Quality (DEQ), Air Quality Division (AQD). TEGP initiated this contested case by filing with the Wyoming Environmental Quality Council (Council) a Petition for Review and Request for Immediate Stay dated October 23, 2002 to contest a decision by Respondent DEQ/AQD, regarding Air Quality Permit No. CT-1352A (corrected). Since then the parties have engaged in discovery and also in negotiations for disposition of this contested case by stipulation. The parties have now filed with the Council a Joint Stipulation for disposition of this contested case according to the terms specified therein (including modification of Air Quality Permit No. CT-1352A (corrected) as Air Quality Permit No. CT-1352B in the stipulated form), upon approval by the Council.

W.S. 16-3-107(n) and Chapter I, §11 of the DEQ Rules of Practice & Procedure provide for disposition of contested cases by stipulation of the parties upon approval of the Council. W.S. 35-11-112(c)(ii) provides that the Council may order that any permit be modified. Having considered the parties' Joint Stipulation, including the proposed permit modification, and being fully advised in the premises, the Council hereby ORDERS as follows:

IT IS ORDERED that

1. The parties' Joint Stipulation for disposition of this matter is approved and incorporated herein by this reference, and the parties are bound by its terms.
2. Air Quality Permit No. CT-1352A (corrected) shall be modified as Air Quality Permit No. CT-1352B (in the form attached to and incorporated in the parties' stipulation).

3. The Council retains jurisdiction in this matter for the purposes specified in the Joint Stipulation between TEGP and the DEQ.

DATED this 29th day of May, 2003.

Thomas G. Quinn
Chair, WY EQC

CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 2nd day of June 2003, I served a copy of the foregoing ORDER APPROVING JOINT STIPULATION FOR DISPOSITION OF CONTESTED CASE by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Mary A. Throne
Hicky, Mackey, Evans & Walker
1800 Carey Ave., Suite 700
P.O. Box 467
Cheyenne, WY 82003-0467

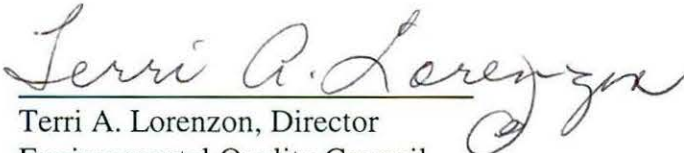
Edward W. Harris
Holland & Hart
2515 Warren Avenue, Suite 450
P.O. Box 1347
Cheyenne, WY 82003-1347

and also to the following persons via interoffice mail:

John Corra, Director
Department of Environmental Quality 122
W. 25th Street, Herschler Building
Cheyenne, WY 82002

Michael Barrash
Theodore Preston
Office of the Attorney General
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Dan Olson, Administrator
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