

FILED

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

SEP 24 2004

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF THE PERMIT APPEAL)
OF PERMIT TO CONSTRUCT NO. CT-3030)
ISSUED TO BLACK HILLS CORPORATION)
(WYGEN2) ON SEPTEMBER 25, 2002.)

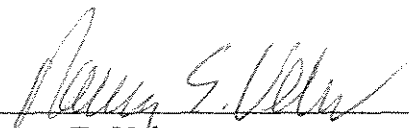
Docket No. 02-2202

CASE UPDATE

The Department of Environmental Quality/Air Quality Division ("DEQ/AQD") by and through the Office of the Attorney General submits this Case Update in response to the Environmental Quality Council's request dated September 14, 2004:

1. On January 22, 2004, the National Park Service ("NPS") and DEQ/AQD had a teleconference to discuss NPS' concerns. DEQ/AQD's response is pending.
2. On May 17, 2004, following a request from Black Hills Corporation, the DEQ/AQD extended the construction period for Permit CT-3030 until September 25, 2005.
3. On September 24, 2004, the undersigned contacted Ms. Christine Shaver regarding this Case Update and construction period extension for Permit CT-3030. Ms. Shaver indicated that NPS was filing a case update requesting this matter remain open to allow the parties to continue to pursue resolution of this matter.
4. If an informal resolution of this matter is not reached in the near future, DEQ/AQD will request the NPS either proceed with or seek dismissal of their appeal.

RESPECTFULLY SUBMITTED this 24th day of September, 2004.



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