

**FILED**

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

DEC 03 2007

Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF THE APPEAL OF THE )  
REVOCATION OF PERMIT NO. CT-1352B )  
TWO ELK POWER PLANT )

Docket No. 07-2601

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**ORDER APPROVING PARTIES' JOINT STIPULATED SETTLEMENT, and  
DISMISSING TEGP'S APPEAL, and APPROVING THE WITHDRAWAL OF  
AUGUST 22 LETTER**

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THIS MATTER having come before the Environmental Quality Council ("EQC") upon Respondent Department of Environmental Quality ("DEQ"), Air Quality Division ("AQD") and Petitioner Two Elk Generation Partners', Limited Partnership ("TEGP"), "Joint Motion for Dismissal of Appeal, Approval of Settlement Stipulation, and Request for Setting of Hearing" and the Respondent DEQ/AQD appearing by and through its attorney, Ms. Nancy E. Vehr, Sr. Assistant Attorney General, and the Petitioner TEGP appearing by and through its attorney, Ms. Rebecca W. Watson, the Council having reviewed the Motion, the terms of the "Parties' Joint Stipulated Settlement Agreement" and the file herein, and having heard the statements of the parties and counsel, and otherwise being fully informed of the premises, HEREBY ORDERS:

1. The Parties' Joint Stipulated Settlement Agreement is hereby approved, and its terms are incorporated by reference into this Order. The Parties are bound by and shall comply with the terms of the Joint Stipulated Settlement Agreement.
2. DEQ/AQD's August 22 Letter to TEGP having been rescinded simultaneously with entry of this Order, hereby approves such rescission.

3. TEGP's appeal and all remaining issues pending in this action are dismissed with prejudice.


DATED this \_\_\_\_\_ day of November, 2007.

\_\_\_\_\_  
Kirby L. Hedrick, Presiding Officer  
Environmental Quality Council  
122 W. 25th Street, Rm 1714  
Herschler Bldg.  
Cheyenne, WY 82002  
Phone: 307-777-7170  
Fax: 307-777-6134

APPROVED AS TO FORM:

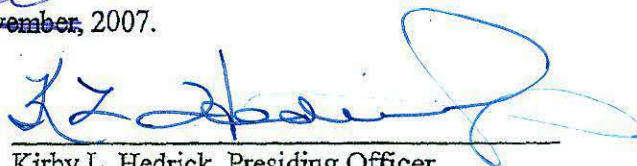
\_\_\_\_\_  
Ms. Rebecca W. Watson  
Attorney for Petitioner TEGP

Date: \_\_\_\_\_

  
\_\_\_\_\_  
Nancy E. Vehr, Sr. Asst. Attorney General  
Attorney for Respondent DEQ/AQD

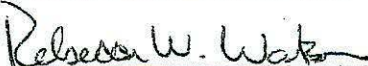
Date: 11/21/07

DATED this 3<sup>rd</sup> day of DEC ~~November~~, 2007.



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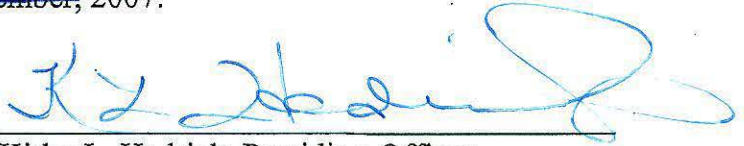


Ms. Rebecca W. Watson (5-1683)  
Attorney for Petitioner TEGP

Nancy E. Vehr, Sr. Asst. Attorney General  
Attorney for Respondent DEQ/AQD

3. TEGP's appeal and all remaining issues pending in this action are dismissed with prejudice.

DATED this 3<sup>rd</sup> day of Dec ~~November~~, 2007.




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APPROVED AS TO FORM:

\_\_\_\_\_  
Ms. Rebecca W. Watson  
Attorney for Petitioner TEGP

Date: \_\_\_\_\_

  
\_\_\_\_\_  
Nancy E. Vehr, Sr. Asst. Attorney General  
Attorney for Respondent DEQ/AQD

Date: 11/21/07

## CERTIFICATE OF SERVICE

I, Alyx Reed, certify that at Cheyenne, Wyoming, on the 3<sup>rd</sup> day of December, 2007 I served a copy of the foregoing **ORDER** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Rebecca W. Watson  
Hogan & Hartson LLP  
1200 Seventeenth Street, Suite 1500  
Denver, CO 80202

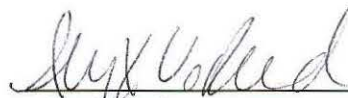
Dennis Arfmann  
Hogan & Hartson LLP  
1470 Walnut Street, Suite 200  
Boulder, CO 80302

also to the following persons via interoffice mail:

Nancy Vehr  
Office of Attorney General  
123 State Capitol  
Cheyenne, WY 82002

John Corra  
Director  
Department of Environmental Quality  
122 W. 25<sup>th</sup> St., Herschler Bldg.  
Cheyenne, WY 82002

David Finley  
AQD Administrator  
Department of Environmental Quality  
122 W. 25<sup>th</sup> St, Herschler Bldg.  
Cheyenne, WY 82002



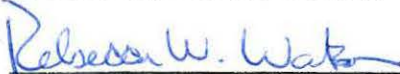
Alyx Reed  
Environmental Quality Council  
122 W. 25<sup>th</sup> Street,  
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Tel: (307) 777-7170  
Fax: (307) 777-6134

DATED this \_\_\_\_\_ day of November, 2007.

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Ms. Rebecca W. Watson (5-1683)  
Attorney for Petitioner TEGP

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Nancy E. Vehr, Sr. Asst. Attorney General  
Attorney for Respondent DEQ/AQD