

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

**IN THE MATTER OF PERMIT FEES)
FOR AMAX COAL WEST, INC.)
BELLE AYR MINE & EAGLE)
BUTTE MINE)**

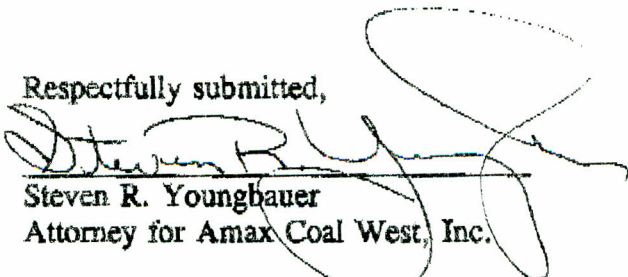
DOCKET NO. 2667-95

REQUEST FOR APPEAL

On June 15, 1995 Amax Coal West, Inc. (Amax) received the 1994 Operating Permit Program Emission Fee for Belle Ayr Mine and Eagle Butte Mine. W.S. 35-11-211 (d) requires an operator appeal the assessment to the council with twenty (20) days after receipt of the written notice. Amax has been unable to clarify with the Wyoming Department of Environmental Quality - Air Quality Division (WDEQ-AQD) whether the assessments are erroneous or excessive and whether they may not be based upon the entire fee schedule adopted to fund the permitting program.

Amax is filing this appeal to protect it's rights to appeal pursuant to W.S. 35-11-211(d). However, Amax requests that no hearing be scheduled until Amax has a full opportunity to review the assessments with the WDEQ-AQD to determine whether the assessments are in error and/or resolve any errors. Amax's review with the WDEQ-AQD should be completed within thirty (30) days or by August 5, 1995.

Respectfully submitted,


Steven R. Youngbauer
Attorney for Amax Coal West, Inc.

FILED

JUL 05 1995

Terri A. Lorenzo
Environmental Quality Council