

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL**

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

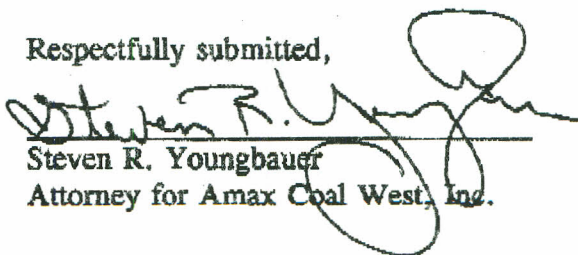
**DOCKET NO. \_\_\_\_\_**

**WITHDRAWAL OF 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. At the time of the Appeal, Amax had been unable to clarify with the Wyoming Department of Environmental Quality - Air Quality Division (WDEQ-AQD) whether the assessments were erroneous or excessive and whether they were based upon the entire fee schedule adopted to fund the permitting program.

On July 13, 1995 the WDEQ-AQD sent Amax a revised 1994 Operating Permit Program Emission Fee for the Belle Ayr Mine and the Eagle Butte Mine. The revised emission assessment is acceptable to Amax. Amax hereby withdraws the above referenced appeal.

Respectfully submitted,

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

**FILED**

**AUG 02 1995**

Terri A. Lorenzen, Attorney  
Environmental Quality Council

cc: D. Hemmer, C. Collins, M. Throne. 8-7-95.ccc.