

FILED

FEB 11 1987

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

Terri A. Lorenzon, Adm. Aide
Environmental Quality Council

IN THE MATTER OF ISSUANCE OF) Environmental Quality
AN AMENDMENT TO PERMIT NO. OP-27) Council Docket
FOR THE AMAX BELLE AYR MINE) No. _____

1810-87

APPEAL TO THE ENVIRONMENTAL QUALITY COUNCIL
FROM THE DECISION TO ISSUE AN AMENDMENT TO PERMIT
NO. OP-27 FOR AMAX'S BELLE AYR MINE
AND MOTION FOR STAY

By this petition, Thunder Basin Coal Company requests a hearing before the Environmental Quality Council to contest the issuance of an amendment to Permit No. OP-27 for Amax's Belle Ayr Mine.

The following information is provided pursuant to Chapter 1, Section 3(c) of the Department of Environmental Quality Rules of Practice and Procedure:

1. Petitioner is Lyle D. Randen, Manager of Health, Safety & Environment, Thunder Basin Coal Company, P. O. Box 406, Wright, Wyoming 82732; his attorneys are Hirst & Applegate, P. O. Box 1083, Cheyenne, Wyoming 82003-1083.

2. Thunder Basin Coal Company objects to the issuance of an amendment to Permit No. OP-27 for Amax's Belle Ayr Mine. Thunder Basin Coal Company was notified of the decision to issue the amendment to the Permit by a letter decision of the Administrator dated January 1987.

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3. Thunder Basin Coal Company objects to the Air Quality Division's methods for modeling the life of Thunder Basin Coal Company operations as part of the analysis underlying the permit decision. The method of analysis is arbitrary, and continues the practices at issue in Environmental Quality Council Docket Nos. 1656-85 and 1723-86. The action of the Division violates the Wyoming Administrative Procedure Act, the Wyoming Environmental Quality Act, Wyoming Department of Environmental Quality Rules and Regulations, and provisions of the Wyoming and United States Constitutions.

WHEREFORE, Thunder Basin Coal Company requests a hearing in this matter and that the Council direct the Division to reverse its decision.

PETITIONER FURTHER PRAYS that, in light of the current efforts to resolve these same issues under the aegis of Docket No. 1656-85, that any hearing in this matter be stayed until the resolution of the issues presented in Docket No. 1656-85.

Respectfully submitted this 5th day of February,
1987.

THUNDER BASIN COAL COMPANY,
Petitioner

BY: Alan B. Min
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CERTIFICATE OF SERVICE

I certify that the foregoing Appeal To The Environmental Quality Council From The Decision To Issue An Amendment To Permit No. OP-27 For Amax's Belle Ayr Mine And Motion For Stay was served upon all parties to this action pursuant to the Wyoming Rules of Civil Procedure and the Rules of Practice and Procedure of the Wyoming Department of Environmental Quality on 5 February 1987, and that copies were mailed to: Randolph Wood; Chairman, Council of Environmental Quality; Terri Lorenzon; Mike Barrash; Steve Youngbauer; ~~Fred~~ Frudenthal, Salzburg & Bonds.

Alan B. Min
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