

**FILED**

MAY 01 1987

Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council

**BEFORE THE  
WYOMING ENVIRONMENTAL QUALITY COUNCIL**

In the Matter of Issuance of Air Quality )  
Permit No. CT-727 to AMAX Coal Company, )  
Belle Ayr Mine )

Docket No. 1906-87  
M.A.  
12.22.87

**MOBIL COAL PRODUCING, INC.'S PETITION FOR HEARING**

Pursuant to Chapter I, Section 3c of the Rules of Practice and Procedure of the Department of Environmental Quality ("DEQ"), Mobil Coal Producing, Inc. ("Mobil") appeals the March 4, 1987 decision of the Air Quality Division ("AQD") which purports to grant AMAX Coal Company ("AMAX") a permit to construct a thermal coal drying facility, associated coal handling facility and batch coal loadout facility at the Belle Ayr Mine. Mobil respectfully requests a hearing before the Environmental Quality Council ("Council") to determine the validity of that decision.

In support of its request, Mobil states as follows:

1. The party making this request is Mobil Coal Producing, Inc., P.O. Box 17772, Denver, Colorado 80217. Mobil is represented by John A. Macleod, Crowell & Moring, 1001 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2505, and by Brent R. Kunz, Hathaway, Speight & Kunz, P.O. Box 1208, Cheyenne, Wyoming 82003-1208, and by Ann L. Turner, Mobil Mining and Minerals Company, P.O. Box 26683, Richmond, Virginia 23261.

2. The AQD's decision purporting to grant Permit No. CT-727 to AMAX, as set forth in a March 4, 1987 letter from Messrs. Collins and Wood to Mr. Dinsmoor, is the action and decision upon which a hearing is requested and as to which objection is made.

3. Mobil makes this request and protest because the referenced decision is substantively and procedurally defective and contains several errors of fact and law which, if allowed to stand, would seriously jeopardize Mobil's rights and operations at its Caballo Rojo Mine. Among those errors are the following:

(a) The AQD's decision is contrary to a stay agreement that was entered into by the AQD and AMAX, as well as other coal producers in the area, and approved by the Council on December 17, 1986.

(b) The modeling on which the AQD's analysis and decision rest is defective. That modeling is based on the modeling that was done in support of the permit application that resulted in the AQD's issuance of Permit No. MD-64 to AMAX. On March 20, 1987, Mobil filed a petition for hearing with the Council seeking review of the validity of Permit No. MD-64, challenging, among other things, the modeling done to support that permit. It is that same defective modeling that is now relied on to support Permit No. CT-727.

(c) The AQD's decision of March 4, 1987 is contrary to applicable law, including the rules and regulations which bind the AQD.

(d) The AQD's decision of March 4, 1987 is contrary to past agency actions and procedures.


4. Mobil respectfully requests a hearing before the Council.

WHEREFORE, Mobil respectfully requests a hearing before the Council to determine the validity of the March 4, 1987 decision by the AQD purporting to issue Permit No. CT-727 to AMAX, and an order from the Council vacating that decision.

Respectfully submitted,



John A. Macleod  
Ann R. Klee  
CROWELL & MORING  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2505  
(202) 624-2500



Brent R. Kunz  
HATHAWAY, SPEIGHT & KUNZ  
2424 Pioneer Avenue  
P.O. Box 1208  
Cheyenne, Wyoming 82003-1208  
(307) 634-7723

OF COUNSEL:

Ann L. Turner  
Mobil Mining and  
Minerals Company  
P.O. Box 26683  
Richmond, Virginia 23261

Attorneys for  
Mobil Coal Producing, Inc.

Dated: April 30, 1987