

*File*

**FILED**  
JAN 11 1988 <sup>66</sup>

Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF PERMIT NO. MD-76	)	
ISSUED BY THE WYOMING DEPARTMENT OF	)	ENVIRONMENTAL QUALITY
ENVIRONMENTAL QUALITY AND THE AIR	)	COUNCIL
QUALITY DIVISION TO MOBIL COAL	)	
PRODUCING, INC. TO MODIFY THE MINE	)	
PLAN AT THE CABALLO ROJO MINE TO	)	Docket No. _____
ALLOW FOR MAXIMUM COAL PRODUCTION FOR	)	
ANY GIVEN YEAR OF THE MINE LIFE AT	)	
THE MINE LOCATED SOUTH OF GILLETTE IN	)	
CAMPBELL COUNTY, WYOMING	)	

PETITION TO THE ENVIRONMENTAL QUALITY COUNCIL  
TO PROTEST AND APPEAL A PERMIT ISSUED TO  
MOBIL COAL PRODUCING, INC. FOR THE CABALLO ROJO MINE

Pursuant to W.S. 35-11-112(a)(iv) and (c)(ii) and Chapter I, Section 3 and Section 16 of the Department of Environmental Quality Rules of Practice and Procedure (DEQRPP), The Carter Mining Company hereby protests and objects to Permit No. MD-76 issued to Mobil Coal Producing, Inc. for the Caballo Rojo Mine and requests a hearing before the Environmental Quality Council.

As required by Chapter I, Section 3.c of DEQRPP, The Carter Mining Company submits the following information:

1. The name and address of the party protesting the permit and requesting a hearing is The Carter Mining Company, a division of Exxon Coal USA, Inc., Post Office Box 3007, Gillette, Wyoming 82716. The name and address of the attorneys representing The Carter Mining Company are: Brent R. Kunz of HATHAWAY, SPEIGHT, KUNZ, TRAUTWEIN & BARRETT, P.O. Box 1208, Cheyenne, Wyoming 83003-1208; Wayne Culver, Exxon Coal and Minerals Company, P.O. Box 1314, Houston, Texas 77251-1314.

2. The permit upon which the objection and request for a hearing is made is Permit No. MD-76 issued by the Department of Environmental Quality and the Air Quality Division on November 12, 1987, to Mobil Coal Producing, Inc. for the Caballo Rojo Mine.

3. The Carter Mining Company objects to the issuance of the Permit in order to preserve its rights under the Agreement executed on the 27th day of August, 1987, by and between the Wyoming Department of Environmental Quality and the Air Quality Division of the Wyoming Department of Environmental Quality, Mobil Coal Producing, Inc., AMAX Coal Company, The Carter Mining Company, Thunder Basin Company, and Cordero Mining Company. As provided in the Agreement, The Carter Mining Company will promptly withdraw this Petition if the settlement conditions are satisfied. The reasons for its objections are: The application and the decision of The Air Quality Division and Department of Environmental Quality are in violation of the Wyoming Environmental Quality Act, the Rules and Regulations of the Department of Environmental Quality, and does not comply with the requirements of the Wyoming Air Quality Standards and Regulations, Section 21.

WHEREFORE, The Carter Mining Company requests a hearing in this matter before the Environmental Quality Council. In addition, The Carter Mining Company requests that this appeal be consolidated with the following pending appeals: (1) "Disputed air quality permits" and "vested rights" of AMAX as defined in the August 27, 1987, Agreement; (2) AMAX Coal Company Bell Ayre Mine, Permit MD-64; (3) Cordero Mining Company, for the Cordero Mine, Permit MD-77; and (4) Thunder Basin Company, for the Coal Creek Mine, Permit MD-78.

FURTHER, in light of the previously mentioned settlement agreement, the Carter Mining Company requests that all hearings and procedures in this matter be stayed pending the resolution of the issues and conditions outlined in the settlement agreement of August 27, 1987.

DATED this 11th day of January, 1988.

HATHAWAY, SPEIGHT, KUNZ, TRAUTWEIN  
& BARRETT

By: Brent R. Kunz

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ATTORNEYS FOR THE CARTER MINING COMPANY

CERTIFICATE OF SERVICE

This is to certify that on this 11th day of January, 1988, two copies of the foregoing PETITION TO THE ENVIRONMENTAL QUALITY COUNCIL TO PROTEST AND APPEAL A PERMIT ISSUED TO MOBIL COAL PRODUCING, INC. FOR THE CABALLO ROJO MINE were directed to and served upon both the Chairman of the Council and the Director of the Department by filing the same with the Administrative Aide of the Environmental Quality Council, Terri Lorenzon; and that copies of the Petition were deposited in the United States mail, postage prepaid and addressed to:

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