

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

MAR 15 2001

IN THE MATTER OF)
TRITON COAL COMPANY, LLC,)
BUCKSKIN MINE,)
PERMIT NO. 500-T5, TFN 3 5/322)

Terri A. Lorenzon, Director
Environmental Quality Council
Docket No. 01-4602

PETITION FOR REVIEW

Triton Coal Company, LLC ("Triton") petitions the Wyoming Environmental Quality Council ("EQC") to review the decision of the Department of Environmental Quality ("DEQ") Land Quality Division ("LQD") determining that alluvial valley floors ("AVFs") are present within Triton's mine permit area. Pursuant to Chapter I, Section 3(c), Department of Environmental Quality Rules of Practice and Procedure, Triton sets forth the following in support of its petition for review:

1. The name and address of the person making the request is Triton Coal Company, LLC, P.O. Box 3027, Gillette, WY 82717. Legal counsel for Triton is Edward W. Harris, Holland & Hart, 2515 Warren Avenue, Cheyenne, WY 82001.

2. The decision being appealed is as follows:

a. Triton recently acquired a new coal lease, called the Hay Creek Tract, which is adjacent to the existing Buckskin Mine. Triton has applied for a permit revision to extend mining into the Hay Creek Tract.

b. Mining on AVFs is prohibited or severely limited under Wyo. Stat. § 35-11-406(n) and the Coal Rules and Regulations, Chapter 3 Section 2, Chapter 5 Section 3, and Chapter 12 Section 1(a)(i). The regulations allow a permit applicant to request a pre-application of the presence or absence of AVFs in the permit area.

c. Triton requested a pre-application determination, and provided information to LQD demonstrating that no AVFs are present in the permit area. Despite this information, and contrary to applicable regulations and guidance documents, LQD decided that AVFs are present within the permit area.

d. The decision to be reviewed is documented in the following attachments: (1) Executive Summary of Pre-Application AVF Assessment, July, 2000;

(2) Letter from LQD to Triton, June 14, 2000; (3) Letter from Triton to LQD, August 11, 2000; (4) Letter from LQD to Triton, September 18, 2000; (5) Letter from Triton to LQD, September 22, 2000; (6) Letter from LQD to Triton, October 6, 2000; (7) Letter from Triton to LQD, December 8, 2000; and (8) Letter from LQD to Triton, January 17, 2001 (mistakenly dated 2000).

3. Triton respectfully petitions the Environmental Quality Council to review LQD's decision and requests a hearing on this matter.

DATED this 15th day of March, 2001.



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ATTORNEYS FOR
TRITON COAL COMPANY, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this 15th day of March, 2001, in accordance with the requirements of Chapter I, Section 3(b), this PETITION FOR REVIEW was served as follows:

Two copies were directed to and served upon the Chairman of the Environmental Quality Council, Herschler Building, Cheyenne, WY 82002, by registered mail, return receipt requested.

Two copies were directed to and served upon Dennis Hemmer, Director of the Department of Environmental Quality, Herschler Building, Cheyenne, WY 82002, by registered mail, return receipt requested.

A copy of the PETITION FOR REVIEW was also served by hand delivery to the following:

Environmental Quality Council
Herschler Building, 1st Floor West
Cheyenne, WY 82002

Copies of the PETITION FOR REVIEW were also served by regular mail to the following:

John S. Burbridge
Assistant Attorney General
Land Quality Division
Herschler Building
Cheyenne, WY 82002

Richard Chancellor
Administrator, Land Quality Division
Herschler Building
Cheyenne, WY 82002



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