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FILED

MAY 29 1986

**Ardelle M. Kissler, Clerk
Environmental Quality Council**

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF) No. 1656-85
AIR QUALITY PERMIT CT-208A3)
ISSUED TO MOBIL COAL)
PRODUCING, INC.)



DEPARTMENT OF ENVIRONMENTAL QUALITY/AIR QUALITY DIVISION'S
MOTION REQUESTING THAT
CORDERO MINING COMPANY'S MOTION TO
INTERVENE BE DENIED

COMES NOW, the Department of Environmental Quality/Air Quality Division, by the Office of the Attorney General of the State of Wyoming, through Mike Barrash, Assistant Attorney General, and moves that the Environmental Quality Council deny Cordero Mining Company's motion to intervene in the above-referenced matter.

Under Chapter I, Section 16a. of the Wyoming Department of Environmental Quality Rules of Practice and Procedure (1982), Cordero could have appealed to the Council within 60 days from DEQ's final action granting air quality permit CT-208A3 to Mobil Coal Producing, Inc. Having failed to do so, Cordero should not be allowed to circumvent the time limit imposed by Chapter I, Section 16a. through a motion to intervene in the contested case (No. 1656-85) concerning air quality permit CT-208A3.

At the motion hearing in Casper on April 28, 1986, the Hearing Officer denied motions to consolidate the contested

case (No. 1656-85) concerning permit CT-208A3 with a contested case (No. 1723-86) initiated by Cordero concerning a different air quality permit. The motions to consolidate were denied on the grounds that consolidation would unduly complicate the hearing procedure and promote confusion.

Cordero requests permission to conduct cross-examination. At the April 28th hearing on the motion to consolidate, there was strong objection to allowing Cordero to cross-examine witnesses with respect to Mobil's permit because Cordero had failed to appeal the grant of that permit within the 60 day time limit. For the same reason, Cordero should not be allowed to intervene for that purpose.

WHEREFORE, the DEQ/AQD respectfully requests that the Council deny Cordero's Motion to Intervene in the above matter.

Respectfully submitted, this 30th day of May, 1986.




Mike Barrash
Assistant Attorney General
123 Capitol Building
Cheyenne, Wyoming 82002
(307) 777-7841

case (No. 1656-85) concerning permit CT-208A3 with a contested case (No. 1723-86) initiated by Thunder Basin Coal Company concerning a different air quality permit. The motions to consolidate were denied on the grounds that consolidation would unduly complicate the hearing procedure and promote confusion.

Thunder Basin Coal Company requests permission to conduct cross-examination. At the April 28th hearing on the motion to consolidate, there was strong objection to allowing Thunder Basin Coal Company to cross-examine witnesses with respect to Mobil's permit because Thunder Basin Coal Company had failed to appeal the grant of that permit within the 60 day time limit. For the same reason, Thunder Basin Coal Company should not be allowed to intervene for that purpose.

WHEREFORE, the DEQ/AQD respectfully requests that the Council deny Thunder Basin Coal Company's Motion to Intervene in the above matter.

Respectfully submitted, this 30th day of May, 1986.



Mike Barrash
Assistant Attorney General
123 Capitol Building
Cheyenne, Wyoming 82002

CERTIFICATE OF SERVICE

I, Mike Barrash, hereby certify that true and correct copies of the foregoing DEPARTMENT OF ENVIRONMENTAL QUALITY, AIR QUALITY DIVISION'S MOTIONS REQUESTING THAT CORDERO MINING COMPANY'S AND THUNDER BASIN COAL COMPANY'S MOTIONS TO INTERVENE BE DENIED have been served this 30th day of May, 1986 as follows:

By depositing copies of the same in the United States Mail, postage prepaid to:

David B. Park
Century Building
120 West First, Suite 307
Casper, Wyoming 82601

By hand delivery to:

Terri Lorenzon
Wyoming Environmental Quality Council
2001 Capitol Ave., Room 304
Cheyenne, Wyoming 82002

David D. Freudenthal
Freudenthal, Salzburg & Bonds, P.C.
314 East 21st Street
Cheyenne, Wyoming 82003-0387

Brent R. Kunz
Hathaway, Speight & Kunz
2424 Pioneer Avenue, Suite 402
Cheyenne, Wyoming 82003-1208

John A. MacLeod
and
David R. Case
c/o Brent Kunz

Alan B. Minier
Hirst & Applegate, P.C.
1720 Carey Avenue, Suite 200
Cheyenne, Wyoming 82003-1083

Richard Rideout
Vines, Rideout, Gusea & White, P.C.
2424 Pioneer Center, Suite 306
Cheyenne, Wyoming 82003-1368

Randolph Wood, Director
Department of Environmental Quality
Herschler Building
Cheyenne, Wyoming 82002

Charles Collins
Air Quality Administrator
Herschler Building
Cheyenne, Wyoming 82002

Steven R. Shanahan
Senior Assistant Attorney General
123 Capitol Building
Cheyenne, Wyoming 82002

Mary B. Guthrie
Senior Assistant Attorney General
123 Capitol Building
Cheyenne, Wyoming 82002



Mike Barrash
Assistant Attorney General