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**FILED**  
NOV 09 2011  
Jim Ruby, Executive Secretary  
Environmental Quality Council

Attorney for the Wyoming Department of Environmental Quality

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE APPEAL )  
AND PETITION FOR REVIEW OF THE )  
NOTICE OF VIOLATION AND ORDER ) EQC Docket No. 11-4601  
ISSUED TO THUNDER BASIN COAL )  
COMPANY FOR OPERATIONS AT )  
COAL CREEK MINE )

DEQ'S RESPONSE TO THE PETITIONERS' APPEAL AND PETITION FOR  
REVIEW OF DIRECTOR'S DECISION

Respondent, Wyoming Department of Environmental Quality, Land Quality Division (DEQ), pursuant to the Wyoming Environmental Quality Council's (EQC) October 10, 2011, Response Order, responds as follows to the Petitioners, Thunder Basin Coal Company's (Thunder Basin) October 7, 2011, Appeal and Petition for Review of Director Decision (Appeal). DEQ responds to Petitioners' Appeal as follows:

- 1) DEQ admits this allegation.
- 2) DEQ admits this allegation.
- 3) DEQ admits that on May 18, 2011, Thunder Basin shot a cast-blast at its Coal Creek Mine. DEQ admits on May 18, 2011, Mrs. Edwards, a resident

near Thunder Basin's Coal Creek Mine called to report a NOx cloud passing over and near her house. DEQ admits that DEQ determined that Thunder Basin's cast-blast at the Coal Creek Mine was responsible for the NOx cloud passing over Mrs. Edwards' residence. DEQ denies the remaining allegations.

4) DEQ is without information or knowledge sufficient to form a belief as to the truth of this statement, and therefore, denies this allegation.

5) DEQ admits this statement.

6) DEQ admits this statement.

7) DEQ admits that the Edwards residence is located 3.5 miles south-southwest of the Coal Creek Mine. DEQ is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations, and therefore, denies the remaining allegations.

8) DEQ is without information or knowledge sufficient to form a belief as to the truth of these allegations, and therefore, denies these allegations.

9) DEQ is without information or knowledge sufficient to form a belief as to the truth of these allegations, and therefore, denies these allegations.

10) DEQ is without information or knowledge sufficient to form a belief as to the truth of these allegations, and therefore, denies these allegations.

11) DEQ denies this allegation.

12) Petitioners' final averment is a request for a hearing which does not require responsive pleading.

13) Any allegation in Petitioners' Appeal not specifically admitted above is hereby denied.

WHEREFORE, DEQ requests that the EQC approve the issuance of Notice of Violation No. 100566, Docket No. 4866-11 to Thunder Basin Coal Company.

DATED, this 9<sup>th</sup> day of November, 2011.

Attorney for Wyoming  
Department of Environmental  
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CERTIFICATE OF SERVICE

This certifies that true and correct copies of the foregoing DEQ's RESPONSE TO PETITIONERS' APPEAL AND PETITION FOR REVIEW OF DIRECTORS DECISION were served this 9<sup>th</sup> day of November 2011 by United States mail and by email addressed as follows:

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