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**CASTLE  
GATE**

**COAL COMPANY**

A Subsidiary of  
AMAX Coal Industries, Inc.

CERTIFIED P 078 522 141

May 8, 1989

**RECEIVED**  
MAY 11 1989

DIVISION OF  
OIL, GAS & MINING

Ms. Dianne Nielson, Director  
Division Oil, Gas and Mining  
335 West North Temple  
III Triad Center, Suite 350  
Salt Lake City, UT 84180-1203

Dear Dr. Nielson:

I have just received your letter dated 4 May, 1989, denying Castle Gate Coal Company's request for administratively vacating NOV-89-31-1-2. During the period Castle Gate was waiting for your decision, the notice was abated by cleaning the Sediment Pond 12B and reconstructing the berm around the thickener overflow pond. However, Castle Gate Coal Co. was waiting for your decision before submitting the survey of the sediment pond.

It is the opinion of Castle Gate Coal Co. that the abatement procedure requiring a survey of the pond demonstrating that the sediment volume did not exceed 60% of the designed sediment storage is a question of whether a violation occurred not an issue of abatement. Castle Gate believes that this is an issue for the hearing officer to decide. Therefore, Castle Gate Coal Co. requests an extension of the abatement period for the surveying until the date of the hearing. Castle Gate Coal will submit the survey results to the hearing officer at that time as part of the hearing record.

Sincerely,

*Richard H. Allison, Jr.*  
Richard H. Allison, Jr., P.E.  
Project Supervisor

RHA:dbw

cc: Bob Evans                      DOGM File  
Tom McKenna                      Chrono  
Steve Youngbauer

rha/0508

*orig mem file  
cc DEN  
L Helfrich  
L Braxton*