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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangert
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

June 29, 1989

CERTIFIED RETURN RECEIPT REQUESTED
P 657 442 193

Mr. Richard H. Allison
Project Supervisor
Castle Gate Coal Company
P.O. Box 449
Helper, Utah 84526

Dear Mr. Allison:

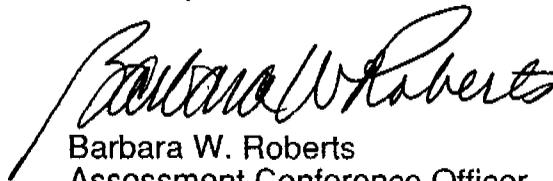
Re: Finalized Assessment for State Violation No. N89-31-1-2, #'s 1 and 2.
ACT/007/004, Folder #5, Carbon County, Utah

The civil penalty for the above-referenced violation has been finalized. Please note that no fine has been assessed. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. Failure to comply with this requirement will result in a waiver of your right of further recourse.

Thank you for your cooperation.

Sincerely,



Barbara W. Roberts
Assessment Conference Officer

jb
cc: John C. Kathmann, OSM, AFO
MN37/16

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
 UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Castle Gate Coal Company

NOV # N89-31-1-2

PERMIT # ACT/007/004

VIOLATION 1 OF 2

Assessment Date 6/28/89

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to clean sediment pond 12B.

Date of Termination: 5/31/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>-</u>	<u>-</u>
Extent of Damage	<u>-</u>	<u>-</u>
(b) Hindrance to Enforcement	<u>20</u>	<u>10</u>
(3) Negligence	<u>15</u>	<u>0</u>
(4) Good Faith	<u>- 0</u>	<u>- 5</u>
TOTAL	<u>35</u>	<u>5</u>
TOTAL ASSESSED FINE		<u>\$ - 0 -</u>

3. Narrative:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Good faith awarded because pond was cleaned before abatement deadline. Operator was not negligent under the rules. Hindrance points reduced to reflect actual inspector hindrance.

jb
 MN34/14

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Castle Gate Coal Company

NOV # N89-31-1-2

PERMIT # ACT/007/004

VIOLATION 2 OF 2

Assessment Date 6/28/89

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to operate in accordance with the approved plan.

Date of Termination: 5/11/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>7</u>	<u>7</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u>-</u>	<u>-</u>
(3) Negligence	<u>20</u>	<u>0</u>
(4) Good Faith	<u>-10</u>	<u>-10</u>
TOTAL	<u>17</u>	<u>0</u>
	TOTAL ASSESSED FINE	<u>\$ - 0 -</u>

3. Narrative:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Operator is not negligent in removing berm around thickner pond since rules do not specify a time period for replacement.

jb
MN34/15