

0008



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangarter
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

FILE

November 15, 1991

CERTIFIED RETURN RECEIPT
P 074 979 152

Mr. James W. Buck, Manager
Amax Coal Company
One Riverfront Place
20 North West 1st Street
Evansville, Indiana 47708-1258

Dear Mr. Buck:

Re: Proposed Assessment for State Violation No. C91-18-1-1, Amax Coal Company, Castle Gate Mine, ACT/007/004, Folder #5, Carbon County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R614-401.

Enclosed is the proposed civil penalty assessment for the above-referenced violation. The violation was issued by Division Inspector Dave Darby, on August 14, 1991. Rule R614-401-600 et. sec. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

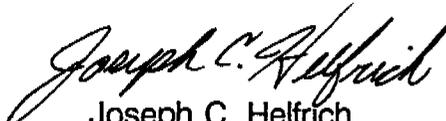
Under R614-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.

2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,


Joseph C. Helfrich
Assessment Officer

jbe
Enclosure

WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Amax Coal Company/Castle Gate Mine CO # C91-18-1-1

PERMIT # ACT/007/004 VIOLATION 1 OF 1

Nature of the Cessation Order: Failure to Abate Notice of Violation N91-18-1-1

Date of Abatement of Cessation Order: October 14, 1991

Date of Receipt of Cessation Order: August 15, 1991; Operator notified Aug. 14, 1991

List the days of Failure to Abate: 25*

Number of Days x \$750.00/day = TOTAL ASSESSED FINE: \$18,750.00

Assessment Date 11/15/91

Assessment Officer: Joseph C. Helfrich

Proposed Assessment

Final Assessment

* See Attachment A

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Attachment A

| <u>Date</u> | <u>Transaction</u> | <u>Days Failure to Abate</u> |
|-------------|---|------------------------------|
| 8/14/91 | Castle Gate Coal Company notified of issuance of Cessation Order (CO) C91-18-1-1. | |
| 8/15/91 | DOGM receives submittal from Amax Coal Company, intended to abate NOV N91-18-1-1. | 1 |
| ----- | | |
| 9/3/91 | Amax Coal Company receives deficiency memo from DOGM regarding deficiencies and the abatement requirements of CO C91-18-1-1. | |
| 9/11/91 | DOGM receives submittal from Amax Coal Company dated 9/9/91, intended to abate NOV N91-18-1-1, part 1, and subsequent failure to abate CO C91-18-1-1. | 8 |
| ----- | | |
| 9/25/91 | DOGM sends a facsimile of a deficiency memo to James W. Buck of Amax Coal Company which appraises Amax Coal Company of the Deficiencies and the abatement requirements of NOV N91-18-1-1 and subsequent failure to abate CO C91-18-1-1. | |
| 10/2/91 | DOGM receives a submittal from Amax Coal Company dated 9/30/91, intended to abate the requirements of CO C91-18-1-1. | 7 |
| ----- | | |
| 10/4/91 | DOGM sends a facsimile to Darlene Murphy of Amax Coal Company a seven page deficiency document addressing the abatement order requirements of NOV N91-18-1-1 and subsequent failure to abate CO C91-18-1-1 | |
| 10/8/91 | DOGM receives a submittal from Amax Coal Company dated 10/7/91, intended to abate the requirements of NOV N91-18-1-1 and subsequent CO C91-18-1-1. | 4 |
| ----- | | |

| <u>Date</u> | <u>Transaction</u> | <u>Days Failure to Abate</u> |
|-------------|---|----------------------------------|
| 10/9/91 | DOGM sends a facsimile to Darlene Murphy of Amax Coal Company a two page document regarding the deficiencies attendant to the abatement requirements of NOV N91-18-1-1 and subsequent failure to abate CO C91-18-1-1. | |
| 10/14/91 | DOGM receives a facsimile from Amax Coal Company dated 10/11/91, intended to abate the requirements of NOV N91-18-1-1 and subsequent CO C91-18-1-1. | 5 |
| ----- | | |
| TOTAL DAYS | | 25 |

The total time that Amax Coal Company was in a Failure to Abate Cessation Order Status (FTA/CO) with regard to Notice of Violation N91-18-1-1 was approximately 61 days. However, mandatory civil penalties of \$750 per day are not being levied for those periods which DOGM was reviewing information submitted by Amax Coal company. These interim periods are defined as August 15 to September 3rd; September 11 to September 25; October 2 to October 4; and October 8th.