

Mike file #5 Act #1  
007/004

# AMAX COAL COMPANY

A Subsidiary of AMAX Coal Industries, Inc.

0033

Note Fox of this letter see @ Nov 6-18



June 18, 1992

BELLE AYR MINE

**RECEIVED**

JUN 21 1992

DIVISION OF  
OIL GAS & MINING

Mr. Lowell Braxton  
Utah Division of Oil, Gas & Mining  
3 Triad Center, Suite 350  
Salt Lake City, UT 84180-1203

CERTIFIED MAIL # P 114 441 143

RE: NOV N92-41-4-2, Violation 1 of 2

Dear Lowell:

On Wednesday, June 3, 1992, Mr. Mike Johnson of the Carbon County Weed Department was called to evaluate and spray areas infested by noxious weeds mentioned by your inspector, Mr. Paul Baker, in his June 2, 1992 inspection. Carbon County Weed Control sprayed the areas infested with noxious weeds on Thursday, June 11. This was the earliest that Carbon County Weed Control could spray to eliminate the problem. Even though Castle Gate Mine diligently pursued the eradication of the noxious weeds, the Division chose to write a violation on June 8, 1992, for failure to follow the approved plan for pest control.

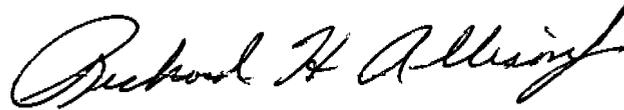
Chapter IX Section 9.2-1 of the Castle Gate MRP states that a plan to control the pests will be developed with the Division should a problem arise. Mr. Baker wrote this violation for failure to follow the approved plan and failure of the established plant species to meet the requirements of Utah Noxious Weed Laws.

It is not a violation of our MRP to have pests (weeds) within the permit boundary. If Castle Gate Mine failed to come up with a plan to control them, a Notice of Violation may then be proper. Castle Gate Mine is working with the appropriate government agency, Carbon County, to develop a plan to control the pests. Carbon County has the licensed and trained personnel necessary to evaluate the pests and apply the chemicals needed to eradicate them. As soon as a plan is developed, Castle Gate Mine will submit the plan to the Division for review. Castle Gate Mine did not violate regulations R645-301-341.240; 351, or 353.200, as quoted in the Notice of Violation. Additionally, Castle Gate Mine did not violate the Utah Noxious Weed Laws because the appropriate agency was called to eradicate the problem when it was discovered. Therefore, I am requesting that Violation No. 1 be vacated.

Mr. Lowell Braxton  
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In the event that you cannot vacate this violation, I am requesting a 30-day extension to be abatement time pursuant to R645-400-324. Castle Gate Mine is diligently working with Carbon County Weed Control, who has already sprayed the area to eradicate the noxious weeds. They will need time to evaluate the sprayed areas to see if another treatment if necessary and plan for future evaluation.

Sincerely,



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

RHA:vsn  
cg020

cc: Phil Dinsmoor  
Steve Laird  
George Womack  
Pete Ferguson