

*Mem file*

0037

BEFORE THE DIVISION OF OIL GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

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IN THE MATTER OF THE APPEAL	:	FINDINGS, CONCLUSIONS
OF FACT OF VIOLATION N92-41-3-1,		AND ORDER
AMAX COAL COMPANY, CASTLE GATE	:	
MINE, CARBON COUNTY, UTAH,		VACATION OF NOTICE OF VIOLATION
ACT/007/004	:	CAUSE NO. ACT/007/004

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The Findings, Conclusions, and Order in this matter are based on information provided to the Division of Oil, Gas and Mining ("Division") in response to NOV N92-41-3-1 by the operator, Amax Coal Company ("Amax"), and information in the files of the Division.

FINDINGS OF FACT

1. NOV N92-41-3-1 was written by Paul Baker, Division Reclamation Specialist, on May 15, 1992, based on an inspection conducted on May 8, 1992. N92-41-3-1 was written for failure to maintain a diversion and failure to construct a road drainage control culvert to avoid plugging at an inlet, in accordance with Utah Admin. R645-301-742.310 and R645-301-742.423.

2. Information provided in a memorandum to the Director from Lowell Braxton, Associate Director for Mining, dated June 11, 1992 (Attachment 1), provides background and justification for vacating NOV N92-41-3-1.

CONCLUSIONS OF LAW

1. The problem identified in NOV N92-41-3-1 was already addressed in a Division Order, including a specific response schedule. Issuance of N92-41-3-1 duplicated previous enforcement action by the Division.

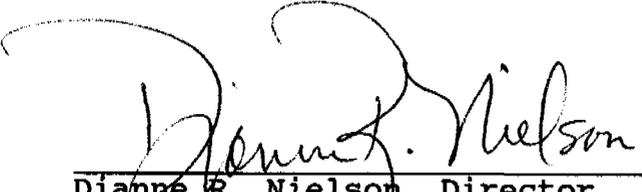
2. N92-41-3-1 was issued prior to the response date provided under the previous Division Order.

ORDER

NOW THEREFORE, it is ordered that:

1. NOV N92-41-3-1 is vacated.
2. Amax will maintain the culvert to ensure that it meets performance standards.
3. Amax will timely submit the design information required in the previous Division Order.

SO DETERMINED AND ORDERED this 15th day of June, 1992.

  
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Dianne R. Nielson, Director  
Division of Oil, Gas and Mining  
State of Utah

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing FINDINGS, CONCLUSIONS, AND ORDER in Cause No. ACT/007/004 to be mailed by first class mail, postage prepaid, on the 15th day of June 1992, to the following:

Richard H. Allison, Jr.  
Amax Coal Company  
P.O. Box 3005  
Gillette, WY 82717-3005

A handwritten signature in cursive script that reads "Lynda Jensen". The signature is written over a solid horizontal line.