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AMAX COAL COMPANY

A Subsidiary of AMAX Coal Industries, Inc.

*Act 1007/1008
mine file
Jones Duran
LAB DRW
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April 10, 1992

BELLE AYR MINE

RECEIVED

APR 13 1992

DIVISION OF
OIL GAS & MINING

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

RE: NOV 92-39-2-1

Dear Lowell:

I received NOV 92-39-2-1 on April 9, 1992 for the gravity discharge out of the Utah Field No. 1 Portal. I don't want to argue the merits or validity of the NOV in this letter, but to point out the need to get more specific information as to what is needed to remediate the alleged violation.

Remedial action (1) requires Castle Gate to "Stop discharging or receive the necessary approval from the Division and if discharging is requested, submit necessary plan and designs and permits to adequately handle the discharge." This statement lacks specificity as to what is wrong with the existing approved design and what the Division is requiring.

Both Sediment Pond 010 and the seal on the Utah Fuel Adit #1 were constructed substantially according to the approved plans in the Castle Gate Mining and Reclamation Plan. The discharge in question has been inspected for years by the Division and therefore can be assumed to have been approved in the review process for designs by the Division for permit renewals and mid-term reviews. Therefore, the general statement is unclear as to what lacks approval since the discharge has been known to the Division for years.

The Division cannot require Castle Gate Mine to stop discharging water out of the portal because the impounding of water behind the seals could create a serious safety problem.

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AMAX needs clear, concise, and specific statements as to what designs are failing to handle the 1.1 gallon per minute flow from the portal and what additional designs the Division expects to be created to remediate the alleged violation.

Sincerely,



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

RHA:vsn
cg007

cc: Phil Dinsmoor
Steve Laird
George Womack

Certified Mail # P 114 441 134