

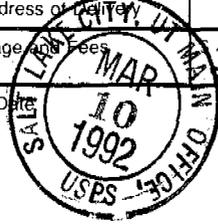
P 074 979 713

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

PS Form 3800, June 1985

Sent to <b>Richard H Allison Jr</b>	
<b>Amax Coal Company</b>	
Street and No. <b>PO Box 3005</b>	
P.O. State and ZIP Code <b>2273 Bishop Road</b> <b>Gillette WY 82717-3005</b>	
Postage	\$ <b>5.1</b>
Certified Fee	<b>1.00</b>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	<b>1.00</b>
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	<b>2.52</b>
Postmark or Date	



DEAN VE AG/1007/004

P 074 979 712

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

PS Form 3800, June 1985

Sent to <b>Patricia J Winnill Esq</b>	
<b>Parson Behle &amp; Latimer</b>	
Street and No. <b>201 So main St</b>	
P.O. State and ZIP Code <b>SLC UT 84147-0898</b>	
Postage	\$ <b>5.2</b>
Certified Fee	<b>2.00</b>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	<b>1.00</b>
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	<b>2.52</b>
Postmark or Date	

DEAN VE AG/1007/004

- STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (See front)**
1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
  2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
  3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
  4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
  5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.

- STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (See front)**
1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
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  4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
  5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.

\* U.S.G.P.O. 1983-217-132

\* U.S.G.P.O. 1988-217-132

ACT 10071004

VENDOR NUMBER  
0000585430

**AMAX COAL COMPANY**  
INDIANAPOLIS, IND. 46206

CHECK NO. DATE PAC  
006698397 051192

TE	INVOICE NUMBER	VOUCHER	P.O. NUMBER	RCVR	GROSS	DISCOUNT	NET
192	C91-18-1-1	05012127	0000000000	00000000	9.00000	000	9.00000
					** TOTAL **	000	9.00000

RECEIVED

MAY 13 1992

DIVISION OF  
OIL GAS & MINING

ASSESSED FINE -RE: CESSATION ORDER C91-18-1-1  
CASTLE GATE MINE



**AMAX COAL COMPANY**  
Minerals + Energy  
INDIANAPOLIS, INDIANA 46206

06 698397

62-20  
311

Citibank (Delaware) citicorp  
A subsidiary of Citicorp

PAY			
CHECK NO.	DATE	EXACTLY	AMOUNT
006698397	051192	*****9.000	*****9.00000
		DOLLARS	CENTS
		00	00

PAY TO THE ORDER OF:

UTAH DEPT OF NATURAL RESOURCES  
DIV OF OIL, GAS & MINING  
355 W N TEMPLE 3 TIRAD CTR S350  
SALT LAKE CITY,  
UT 84180

AMAX COAL COMPANY

*John A. Robinson*

⑈06698397⑈

⑈031100209⑈

38827345⑈

# AMAX COAL COMPANY

A Subsidiary of AMAX Coal Industries, Inc.

MAY 13 1992

DIVISION OF  
OIL GAS & MINING



May 12, 1992

Attn: Vicki Bailey  
State of Utah  
Department of Natural Resources  
Division of Oil, Gas & Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 64180-1200

Re: Finalized Assessment for State Violation #C91-18-1-1 and C91-38-1-1, Amax Coal Company, Castle Gate Mine, ACT/007/004, Folder #5, Carbon County, Utah

Dear Ms. Bailey:

Enclosed are Amax's checks in the amounts of \$9,000 and \$1,500 payable to Utah Department of Natural Resources for payment of the civil penalties on state violations C91-18-1-1 and C91-38-1-1, respectively.

Very truly yours,

David J. Ham  
Senior Attorney

DJH/mg  
Enclosures

cc: Mr. Ronald W. Daniels  
Assessment Conference Officer  
Mr. Richard H. Allison  
Amax Coal Company - Belle Ayr



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter

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

March 6, 1992

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 979 190

Mr. Richard H. Allison, Jr. P.E.  
Amax Coal Company, Belle Ayr Mine  
2273 Bishop Road  
P.O. Box 3005  
Gillette, Wyoming 82717-3005

Dear Mr. Allison:

Re: Finalized Assessment for State Violation #C91-18-1-1 & C91-38-1-1, Amax Coal Company, Castle Gate Mine, ACT/007/004, Folder #5, Carbon County, Utah

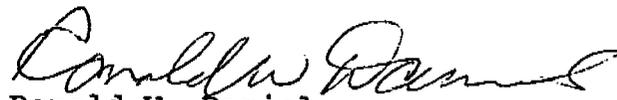
The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

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. To do so, you must escrow the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

  
Ronald W. Daniels  
Assessment Conference Officer

jbe

Enclosure

cc: Bernie Freeman, OSM, AFO  
an equal opportunity employer

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 N91-18-1-1

Date of Abatement of Cessation Order: 10/14/91

Date of Receipt of Cessation Order: 8/15/91

List the days of Failure to Abate: 12 Total: 8/14-8/15/91, 9/25-10/2/91,  
10/4/-10/8/91

Number of Days x \$750.00/day = TOTAL ASSESSED FINE: \$9,000.00

Assessment Date 3/6/92

Assessment Officer: Ronald W. Daniels

Proposed Assessment

Final Assessment

Narrative:

The assessment conference revealed that the operator had actually submitted items for Division review during the period previously counted by the Division as days during which there was a failure to abate period applicable. In addition, it was agreed between the parties that the Division's letter of October 9, 1991 was sufficiently vague to have caused a misunderstanding on the part of the operator as to the exact status of the Cessation Order.

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.  
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address.    2.  Restricted Delivery (Extra charge)

<b>3. Article Addressed to:</b> RICHARD H ALLISON JR PE AMAX COAL COMPANY BELLE AYR MINE 2273 BISHOP ROAD PO BOX 3005 GILLETTE WY 82717-3005	<b>4. Article Number</b>  <b>Type of Service:</b> <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise  Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>
<b>5. Signature - Address</b> X	<b>8. Addressee's Address (ONLY if requested and fee paid)</b>
<b>6. Signature - Agent</b> X <i>Mindy Cook</i>	
<b>7. Date of Delivery</b> <i>3-11-92</i>	

PS Form 3811, Mar. 1988 \* U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

DOGAL JBE ACT10071004 FA 091-13-1-1



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter  
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

January 13, 1992

CERTIFIED RETURN RECEIPT REQUESTED  
No. P 540 713 873

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

Dear Mr. Buck:

Re: Assessment Conference for State Violations, N91-38-3-1, C91-18-1-1, and C91-38-1-1, ACT/007/004, Amax Coal Company, Castle Gate Mine, Carbon County, Utah

In accordance with your requests dated December 16, 1991, please be advised that the Assessment Conference on state violations N91-38-3-1, C91-18-1-1, and C91-38-1-1, Castle Gate Mine, has been established for Friday, February 7, 1992. This Assessment Conference will be held immediately following the Informal Hearing on the above-referenced violations.

Pertinent, written material you wish reviewed before the conference can be forwarded to me at the address listed above.

The conference will be held in the office of the Division of Oil, Gas and Mining.

Sincerely,

  
Ronald W. Daniels  
Assessment Conference Officer

vb

cc: B. Freeman, OSM  
P. Winmill, Parsons Behle & Latimer  
Public Notice Board

DOGM JBE ACT/007/004 PA C91-18-1-1

**SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

- 1.  Show to whom delivered, date, and addressee's address. (Extra charge)
- 2.  Restricted Delivery (Extra charge)

<b>3. Article Addressed to:</b> JAMES W BUCK MANAGER AMAX COAL CO ONE RIVERFRONT PLACE 20 NORTHWEST 1ST STREET EVANSVILLE IN 47708-1258	<b>4. Article Number</b> P 074 979 152 <b>Type of Service:</b> <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>
<b>5. Signature - Address</b> X <i>S. Humm</i>	<b>8. Addressee's Address (ONLY if requested and fee paid)</b>
<b>6. Signature - Agent</b> X	
<b>7. Date of Delivery</b> <i>12/2/91</i>	

PS Form 3811, Mar. 1988 U.S.G.P.O. 1988-212-666 DOMESTIC RETURN RECEIPT

*Diana*  
 For your review  
 and comment.  
 Please return for  
 signature  
 Thanks  
 Joe -  
 OK to sign Joe  
 JBN 11/22

P 074 979 152

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

Sent to	
JAMES W BUCK MANAGER	
AMAX COAL CO	
ONE RIVERFRONT PLACE	
20 NORTHWEST 1ST STREET	
EVANSVILLE IN 47708-1258	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address	
TOTAL Postage	\$
Postmark of	

PS Form 3800, June 1985



Nov File  
ACT/007/004

# PARSONS BEHLE & LATIMER

A Professional Law Corporation

ONE UTAH CENTER  
201 South Main Street, Suite 1800 • Post Office Box 11898  
Salt Lake City, Utah 84147-0898  
Telephone 801-532-1234 • Facsimile 801-536-6111

FILED

DEC 19 1991

SECRETARY, BOARD OF  
OIL, GAS & MINING

December 16, 1991

Keith E. Taylor  
James B. Lee  
Gordon L. Roberts  
F. Robert Reeder  
Lawrence E. Stevens  
Daniel M. Allred  
Roy G. Haslam  
Dallin W. Jensen  
W. Jeffery Fillmore  
Kent W. Winterholler  
Barbara K. Polich  
Randy L. Dryer  
Charles H. Thronson  
David R. Bird  
Raymond J. Etcheverry  
Francis M. Wikstrom  
David W. Tundermann  
Chris Wangsgard  
James M. Elegante  
Val R. Antezak  
Patrick J. Garver  
Spencer E. Austin

Lee Kapaloski  
Stephen J. Hull  
John B. Wilson  
Robert C. Hyde  
Craig B. Terry  
David A. Anderson  
Gary E. Doctorman  
Kent B. Alderman  
John T. Anderson  
Kent O. Roche  
Patricia J. Winmill  
Randy M. Grimshaw  
Lawrence R. Barusch  
Maxwell A. Miller  
Gary B. Hansen  
William D. Holyoak  
Paul D. Veasy  
Daniel W. Hindert  
Lois A. Baar  
Lynn R. Cardey-Yates  
Carolyn Montgomery  
Ronald S. Poelman

T. Patrick Casey  
Valden P. Livingston  
Michael L. Larsen  
Jonathan K. Butler  
David G. Mangum  
Julia C. Attwood  
Derek Langton  
Lucy B. Jenkins  
Lorna Rogers Burgess  
Thomas R. Grisley  
David L. Deisley  
Richard M. Marsh  
Hal J. Pos  
W. Mark Gavre  
Christopher E. Bramhall  
Mark S. Webber  
Mark M. Bettilyon  
James C. Hyde  
J. Michael Bailey  
E. Russell Vetter  
J. Thomas Beckett  
M. Lindsay Ford  
Jim Butler

Kenneth R. Barrett  
Thomas B. Brunker  
Douglas R. Davis  
Elizabeth S. Conley  
Elizabeth S. Whitmey  
Elisabeth R. Blattner  
James H. Woodall  
James E. Karkut  
William J. Evans  
C. Kevin Speirs  
Howard C. Young  
David W. Zimmerman  
L. Ward Wagstaff  
Monica Whalen Pace  
Alan K. Flake  
K.C. Jensen  
Lisa A. Kirschner  
Michael A. Zody  
Paul E. Dame  
Elizabeth Kitchens Jones  
David M. Bennion  
Mathew J. Harmer  
John E. Diaz

Dr. Dianne R. Nielson, Director  
Division of Oil, Gas & Mining  
Department of Natural Resources, State of Utah  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

Re: Petition for Informal Assessment Conference for  
State Violation No. C91-18-1-1, Amax Coal Company,  
(Fact of Violation)

Dear Dr. Nielson:

Pursuant to Coal Mining Rule R614-401-700, Amax Coal Company ("Amax"), by and through its attorneys (Parsons Behle & Latimer), requests an Informal Conference to review the fact of the violation under Cessation Order No. C91-18-1-1. The Proposed Assessment for this violation was received by Amax on December 2, 1991.

Amax also requests that the Informal Conference with respect to this violation be consolidated with, or heard on the same day as, the Informal Conference requested by Amax with respect to Cessation Order No. C91-38-1-1 and Notice of Violation No. N91-38-3-1.

Very truly yours,

Patricia J. Winmill

PJW/ab

cc: Joseph C. Helfrich  
Assessment Officer

ekj/121391B

Nov File

# PARSONS BEHLE & LATIMER

A Professional Law Corporation

ONE UTAH CENTER  
201 South Main Street, Suite 1800 • Post Office Box 11898  
Salt Lake City, Utah 84147-0898  
Telephone 801-532-1234 • Facsimile 801-536-6111

Keith E. Taylor  
James B. Lee  
Gordon L. Roberts  
F. Robert Reeder  
Lawrence E. Stevens  
Daniel M. Allred  
Roy G. Haslam  
Dallin W. Jensen  
W. Jeffery Fillmore  
Kent W. Winterholler  
Barbara K. Polich  
Randy L. Dryer  
Charles H. Thronson  
David R. Bird  
Raymond J. Etcheverry  
Francis M. Wikstrom  
David W. Tundermann  
Chris Wangsgard  
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Lawrence R. Barusch  
Maxwell A. Miller  
Gary B. Hansen  
William D. Holyoak  
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Daniel W. Hindert  
Lois A. Baar  
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Ronald S. Poelman

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Thomas R. Grisley  
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Richard M. Marsh  
Hal J. Pos  
W. Mark Gavre  
Christopher E. Bramhall  
Mark S. Webber  
Mark M. Bettlyon  
James C. Hyde  
J. Michael Bailey  
E. Russell Vetter  
J. Thomas Beckett  
M. Lindsay Ford  
Jim Buder

Kenneth R. Barrett  
Thomas B. Brunker  
Douglas R. Davis  
Elizabeth S. Conley  
Elizabeth S. Whitney  
Elisabeth R. Blatner  
James H. Woodall  
James E. Karkut  
William J. Evans  
C. Kevin Speirs  
Howard C. Young  
David W. Zimmerman  
L. Ward Wagstaff  
Monica Whalen Pace  
Alan K. Flake  
K. C. Jensen  
Lisa A. Kirtschner  
Michael A. Zody  
Paul E. Dame  
Elizabeth Kitchens Jones  
David M. Bennion  
Mathew J. Harmer  
John E. Diaz

December 16, 1991

Joseph C. Helfrich, Assessment Officer  
Division of Oil, Gas & Mining  
Department of Natural Resources, State of Utah  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

Re: Request for Informal Assessment Conference for  
State Violation No. C91-18-1-1, Amax Coal Company,  
Castle Gate Mine, ACT/007/004

Dear Mr. Helfrich:

Pursuant to Coal Mining Rule R614-401-700, Amax Coal Company ("Amax"), by and through its attorneys (Parsons Behle & Latimer), requests an Informal Conference to review the Proposed Assessment under Cessation Order No. C91-18-1-1. The Proposed Assessment for this violation was received by Amax on December 2, 1991.

Amax also requests that the Informal Conference on the Proposed Assessment for this violation be consolidated with, or heard on the same day as, the Informal Conference requested by Amax with respect to Cessation Order No. C91-38-1-1 and Notice of Violation No. N91-38-3-1.

Very truly yours,

  
Patricia J. Winmill

PJW/ab

ekj/121391A



# 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

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

jbe



<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
<hr/>		
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.

AMAX COAL COMPANY

A Subsidiary of AMAX Coal Industries, Inc.



August 13, 1991

Lowell P. Braxton  
State of Utah  
Department of Natural Resources  
Division of Oil, Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

RECEIVED

AUG 15 1991

DIVISION OF  
OIL GAS & MINING

Re: AMAX Coal Company - Castle Gate Mine  
Notice of Violation #N91-18-1-1  
ACT/007/004, Folder #2, Carbon County, Utah

Dear Mr. Braxton:

This letter is being submitted in response to the Division's Notice of Violation #N91-18-1-1. The initial design plans for the refuse site ditch were received by the Division on June 1, 1991, as required by the Division Order. Additional information is being submitted in response to Sharon Falvey's memorandum addressed to Daron Haddock associated with the Division Order Number 24, R614-301-746, dated July 3, 1991, in order to abate the violation. The Division's comments have been repeated below with AMAX Coal Company's response immediately following:

Division Order Number 24  
R614-301-746

Operators Proposal:

*The operator submitted designs for Ditches 7A and 7B. Ditch 7A is a triangular channel with 3:1 side slope and 20% channel slope. Ditch 7B is a trapezoidal channel bottom width 3' 3:1 side slope and 50% channel slope. The channels will use 9.6" and 16.8" riprap respectively.*

Compliance:

The operator is not in compliance with Division Order Number 24. The refuse pile drainage designs submitted are not sufficient. On Exhibit 3.4-A it is not clear where the diversion Ditch 7B starts. What appears to be a ditch is broken up at various spots along the perimeter of the refuse pile, all of the perimeter drainage ditches, if that is what

they are, do not have a drainage design. No drainage design can be found from the ditches shown at the south west end of the refuse pile. Additionally, I am unable to locate any controlled drainage design for the surface of the refuse pile.

In the ditch designs submitted, the operator has not discussed the method of riprap placement. There is no mention of a filter pack or riprap gradation. A 50% channel slope on Ditch 7B is greater than the angle of repose for most soil types and is not likely to be a stable channel as designed.

**Response:** The beginning of Diversion Ditch 7B is depicted on Exhibit 3.4-A (File No. Fig. 6-2(d)), which was submitted to the Division on June 1, 1991, by a dashed line with an arrow pointing in the direction of the ditch with the label "Diversion Ditch 7B" next to it. A more prominent line has been added to the Exhibit to further identify Ditch 7B. Ditch 7B is an uninterrupted diversion ditch following the wall of the canyon. The ditch has been clarified on Exhibit 3.4-A (File No. Fig. 6-2(d)) to show continuity. The drainage design for the ditches at the south west end of the refuse pile, (the ditch opposite of 7B), was submitted in the June-July 1990 revision of the MRP. It is labeled as CGD-6 and has been added to Exhibit 3.4-A (File No. Fig. 6-2(d)). The calculations are located in Appendix 3.4E of Chapter 3, Section 3.4 submitted in the June-July 1990 revision of the MRP. The drainage for the surface of the refuse site, the top flat area, will be sloped so that drainage will be controlled and diverted to Diversion Ditch 7A, which was included in the calculations submitted May 31, 1991. As construction of the Refuse Site progresses, it will be necessary to reconstruct ditch 7A due to the steep terrain and difficulty in construction of Ditch 7A in its final location and the necessity to control runoff from the crest of the refuse pile. The location of Ditch 7A as shown on Exhibit 3.4-A (File No. Fig. 6-2(d)) is at its anticipated final location. The intermediate construction of Ditch 7A will be to the same specifications as the final design contained in this submittal.

Designs for a riprap blanket for diversion ditch 7A and 7B are included in this submittal and should be placed at the end of Appendix 3.4J of the MRP. The riprap used in the ditches will be well graded with a median stone size as indicated in the attached

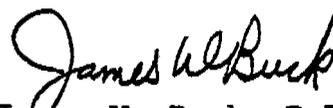
Page 3  
Mr. Lowell Braxton  
August 13, 1991

design. Filter fabric will be placed beneath the riprap to protect the underlying materials. The 50% channel slope used in the design calculations is taken as the maximum slope, which is equal to the approved outslope of the refuse pile. A 50% channel is actually a two (2) horizontal to one (1) vertical rise, (26.6 degree slope), and this degree slope is lower than the angle of repose for most soil types and has been designed to be a stable channel.

This submission and all future submissions or any other actions taken hereafter pursuant to the NOV are subject to AMAX Coal Company's protest, non-waiver and reservation of rights and issues by which AMAX Coal Company may contend that the NOV with the alleged violations therein is invalid by reason of any issues of law or fact and is not waiving its right to seek administrative review or temporary relief, or seek judicial relief.

Should you have any questions regarding this submittal, please contact Darlene Murphy at the address shown below or by telephone at (812) 421-3966. Your expeditious review and approval of this material will be greatly appreciated as AMAX is committed to abatement of this violation as soon as practicable.

Sincerely,



James W. Buck, P.E.  
Manager, Engineering Services

JWB/DMM/dm

Enclosures

xc: P. Ferguson - CG  
S. Garcia - Evansville (w/o enclosures)

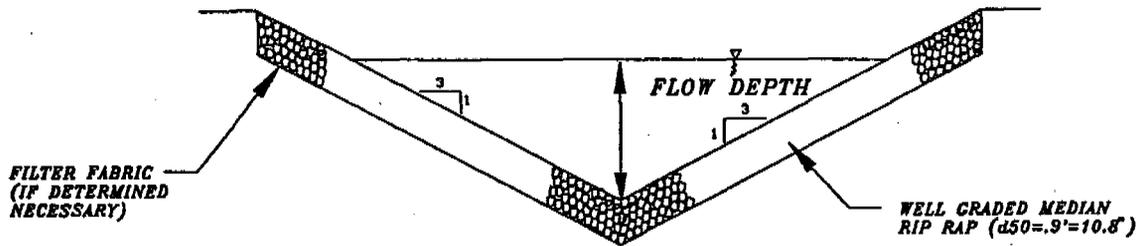
AMAX Coal Company  **AMAX**

**CASTLE GATE MINE**

**DIVERSION DITCH 7A**

**SCHOOL HOUSE CANYON REFUSE SITE**

**TYPICAL DITCH CHANNEL CROSS-SECTION**



**DESIGN DATA**

<b>WATERSHED AREA</b>	<b>-23.8 ACRES</b>
<b>PEAK DISCHARGE (100 YR - 6 HR)</b>	<b>-17.0 CFS</b>
<b>FLOW VELOCITY AT PEAK DISCHARGE</b>	<b>-10.82 FT/SEC</b>
<b>FLOW DEPTH AT PEAK DISCHARGE</b>	<b>-0.72 FT</b>
<b>CHANNEL BOTTOM SLOPE</b>	<b>-20%</b>
<b>LENGTH OF CHANNEL</b>	<b>-1,466</b>
<b>MANNING'S ROUGHNESS COEFFICIENT</b>	<b>-0.03</b>

**NOTE: THE PEAK DISCHARGE WAS CALCULATED USING THE HYDRO (HYDROGRAPH OPERATIONS) COMPUTER PROGRAM (AMAX COAL CO.) THE FLOW DEPTH AND VELOCITY WERE CALCULATED USING DITCH, A DYNAPLAN WORKSHEET (AMAX COAL CO.)**

**\* SEE EXHIBIT 3.4A FIG 6-2(d) FOR LOCATION OF DITCH**

DRAWN		AMAX COAL COMPANY  <b>AMAX</b>	
DATE	BY	CASTLE GATE MINE	
KTT	5-91	CASTLE GATE AREA	
REVISED		SCHOOLHOUSE CANYON REFUSE SITE	
I	D	DIVERSION DITCH 7A	
B	M		
APPROVED			
DATA KEY			
REVISED			
4/1/91	FTT		
CONTOUR INTERVAL	GRID INT.	COMPUTER SERIAL NO.	AUTOCAD FILE NAME : A/CMP/APPENDIX 3.4J
DRAWING NO	APPENDIX 3.4J	SCALE : <u>NO SCALE</u>	FILE NO.
1 RIVERFRONT PLACE, 20 NW FIRST ST., EVANSVILLE, IN 47708-1258			

(Submitted 8/91)

**AMAX COAL COMPANY**

**Castle Gate Mine**

**DESIGN OF RIPRAP BLANKET FOR DIVERSION 7A**

**(From Use of Riprap for Bank Protection, Hydraulic Engineering Circular No. 11, U.S. Department of Transportation, Bureau of Public Roads, June 1978)**

<b>CHANNEL CHARACTERISTICS</b>	
<b>Bottom Width (B)</b>	<b>0 Feet (Triangular)</b>
<b>Side Slopes</b>	<b>3H:1V (Right &amp; 1H:1V Left)</b>
<b>Flow Depth (D)</b>	<b>0.72 Feet</b>
<b>Average Velocity (V)</b>	<b>10.82 Feet/Second</b>

<b>DETERMINE STONE SIZE REQUIRED TO RESIST DISPLACEMENT</b>
<b>Assume (d50 stone size) = 0.75 feet = 9 inches</b>
<b><math>K/D = 0.75/.72 = 1.04</math></b>
<b><math>\therefore V_s/V = 1.0</math> (from Figure 1, HEC-11)</b>
<b><math>\therefore V_s = 1.0 \times 10.82 = 10.8</math> feet/second</b>

From Figure 2 for  $V_s = 10.8$  and 3:1 side slopes,  $d_{50} = 0.9$  feet = 10.8"

The assumed stone size (0.75 feet) is less than the computed stone size (0.9 feet)

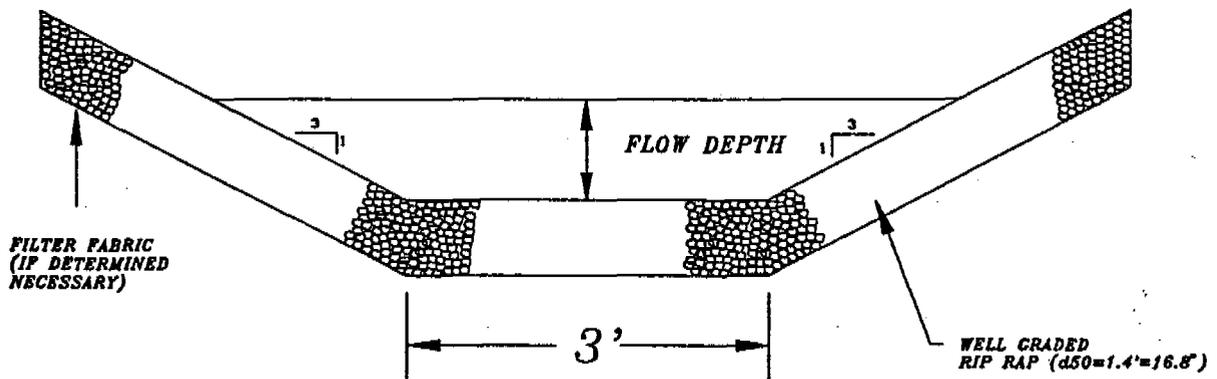
$\therefore$  Use well graded stone riprap with median size,  $d_{50} = 0.9$  feet = 10.8 Inches

AMAX Coal Company  **AMAX**

**CASTLE GATE MINE**

**DIVERSION DITCH 7B**

**SCHOOL HOUSE CANYON REFUSE SITE  
TYPICAL DITCH CHANNEL CROSS-SECTION**



DESIGN DATA

WATERSHED AREA	-28.5
PEAK DISCHARGE (100 YR - 6 HR)	-20.1 CFS
FLOW VELOCITY AT PEAK DISCHARGE	-13.38 FT/SEC
FLOW DEPTH AT PEAK DISCHARGE	-0.39 FEET
CHANNEL BOTTOM SLOPE	-50%
LENGTH OF CHANNEL	-937 FEET
MANNING'S ROUGHNESS COEFFICIENT	-0.035

**NOTE: THE PEAK DISCHARGE WAS CALCULATED USING THE HYDRO (HYDROGRAPH OPERATIONS) COMPUTER PROGRAM (AMAX COAL CO.) THE FLOW DEPTH AND VELOCITY WERE CALCULATED USING DITCH, A DYNAPLAN WORKSHEET (AMAX COAL CO.)**

**\* SEE EXHIBIT 3.4A FIG 6-2(d) FOR LOCATION OF DITCH**

DRAWN		AMAX COAL COMPANY  <b>AMAX</b>	
DATE	BY	CASTLE GATE MINE	
8/1/91	KWT	CASTLE GATE AREA	
REVISED		SCHOOLHOUSE CANYON REFUSE SITE	
L	D	DIVERSION DITCH 7B	
B	M		
APPROVED			
DATA KEY			
REVISED			
8/1/91			
KWT			
CONTOUR INTERVAL		GRID INT.	COMPUTER SERIAL NO.
			AUTOCAD FILE NAME : 8/1/91/APPENDIX 3.4J
DRAWING NO.	APPENDIX 3.4J	SCALE :	NO SCALE
1 RIVERFRONT PLACE, 20 NW FIRST ST., EVANSVILLE, IN 47708-1258		FILE NO.	

(Submitted 8/91)

## AMAX COAL COMPANY

### Castle Gate Mine

### DESIGN OF RIPRAP BLANKET FOR DIVERSION 7B

(From Use of Riprap for Bank Protection, Hydraulic Engineering Circular No. 11, U.S. Department of Transportation, Bureau of Public Roads, June 1978)

CHANNEL CHARACTERISTICS	
Bottom Width (B)	3 Feet Average Width
Side Slopes	3H:1V (Right & 1H:1V Left)
Flow Depth (D)	0.39 Feet
Average Velocity (V)	13.38 Feet/Second

DETERMINE STONE SIZE REQUIRED TO RESIST DISPLACEMENT
Assume (d50 stone size) = 1.08 feet = 13 Inches
$K/D = 1.08/.39 = 2.78$
$\therefore V_s/V = 1.0$ (from Figure 1)
$\therefore V_s = 1.0 \times 13.38 = 13.38$ feet/second

From Figure 2 for  $V_s = 13.38$  and 3:1 side slopes,  $d_{50} = 1.4$  feet = 16.8"

The assumed stone size (1.08 feet) is less than the computed stone size (1.4 feet)

$\therefore$  Use well graded stone riprap with median size,  $d_{50} = 1.4$  feet = 16.8 inches

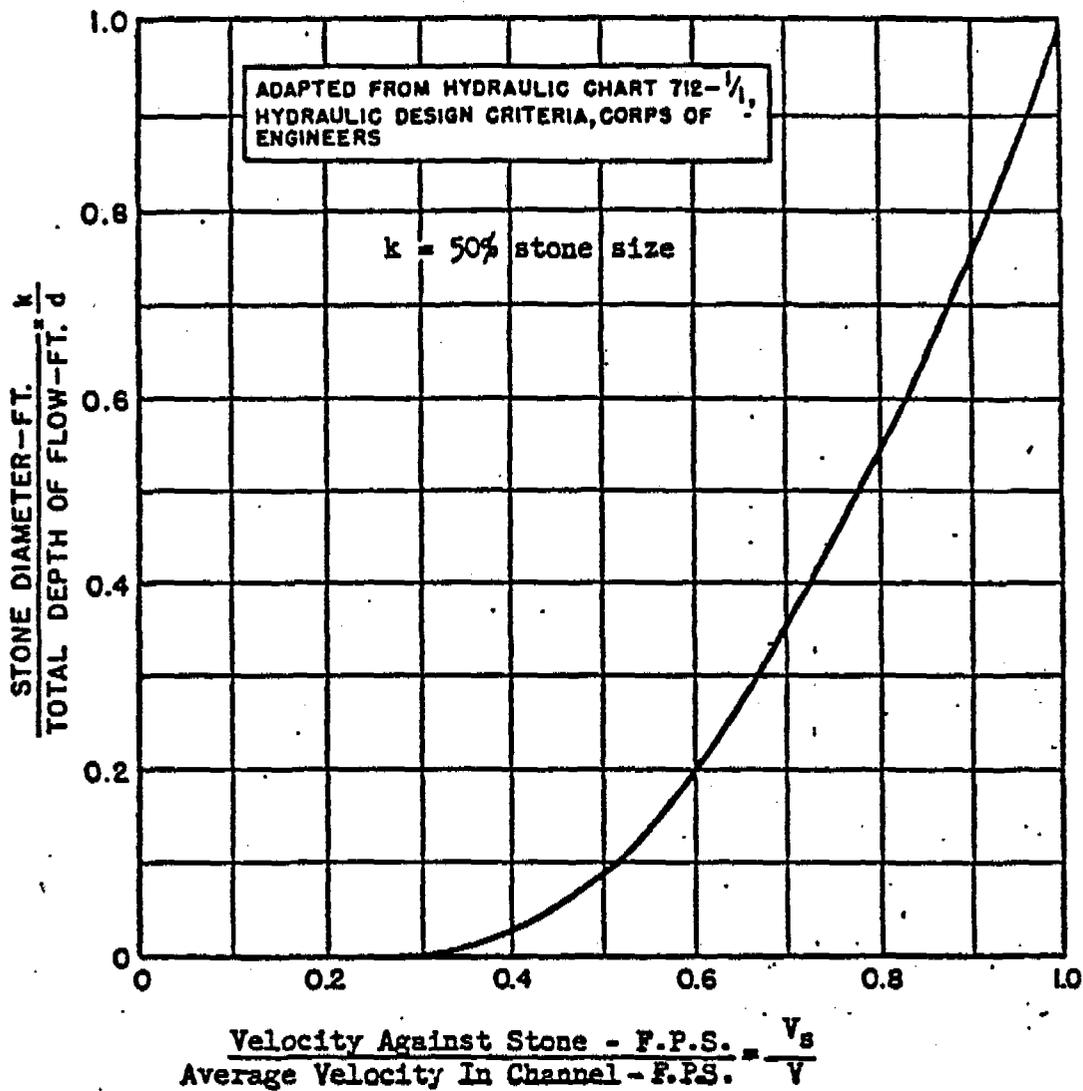
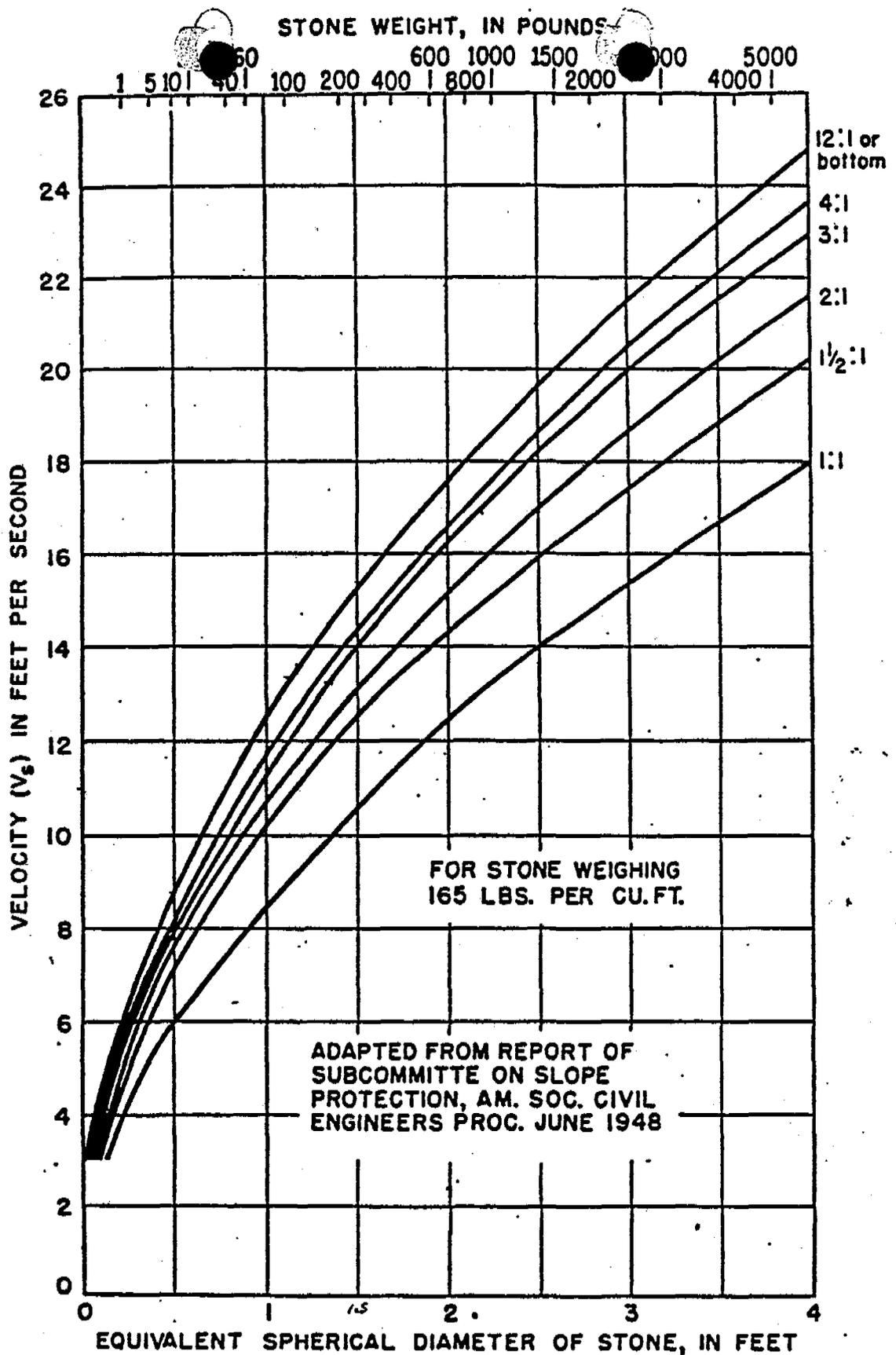


FIGURE 1.

Velocity Against Stone on Channel Bottom (U.S. Department of Transportation, 1978).



**FIGURE 2.**

Size of Stone that will Resist Displacement for Various Velocities and Side Slopes (U.S. Department of Transportation, 1978).

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

---ooOoo---

IN THE MATTER OF THE APPEAL	:	FINDINGS, CONCLUSIONS
OF FACT OF VIOLATION OF		AND ORDER
C91-38-1-1, AMAX COAL COMPANY,	:	
CASTLE GATE MINE, CARBON		INFORMAL HEARING
COUNTY, UTAH, ACT/007/004	:	CAUSE NO. ACT/007/004

---ooOoo---

On February 7, 1992, the Division of Oil, Gas and Mining ("Division") held an informal hearing concerning the fact of violation for the above-referenced Failure-to-Abate Cessation Order ("FTACO"). The following individuals attended:

Presiding:	Dianne R. Nielson, Director Division of Oil, Gas and Mining
Petitioner:	Patricia J. Winmill, Esq. Parsons, Behle & Latimer Counsel for Amax Coal Company
	Richard H. Allison, Jr. Project Supervisor Amax Coal Company
	Steven R. Laird Manager, Law and Regulatory Affairs Amax Coal Company
	Mel Coonrod Consultant for Amax Coal Company
Division:	Lowell Braxton Associate Director for Mining
	Sharon Falvey Reclamation Specialist Issuing Inspector
	Daron Haddock Permit Supervisor

William R. Richards, Esq.  
Assistant Attorney General

Board:

Joe Helfrich  
Assessment Officer  
Penalty Assessment

Ron Daniels  
Assessment Conference Officer  
Penalty Assessment

The Findings, Conclusions, and Order in this matter are based on information provided in connection with this informal hearing and information in the files of the Division.

FINDINGS OF FACT

1. Notice of this hearing was properly given.
2. The Assessment Conference, to review the proposed penalties for FTACO C91-38-1-1, was held in conjunction with this informal hearing regarding fact of violation. Requirement to pay the assessed penalty is stayed pending the decision in the informal review of fact of violation.
3. On December 19, 1990, the Division issued a Notice of Violation (NOV) N90-18-2-1 to Amax Coal Company for failure to provide adequate sedimentation control and failure to demonstrate compliance with regulations Utah Admin. R645(614)-301-732, R645(614)-301-733, R645(614)-301-742, R645(614)-301-743 and R645(614)-301-744 with respect to a number of sedimentation ponds including ponds 008 and 012B.

4. The abatement for NOV N90-18-2-1 included dates for submission of amendments, approval of amendments, and implementation of amendments. The abatement date for implementation was originally set for March 19, 1991. The implementation abatement date was extended at various times and at the request of the operator to accommodate plan approval and construction constraints, with a final implementation abatement date of October 4, 1991. The operator did not request an extension of the October 4, 1991 abatement date.

5. On October 8 and 9, 1991, Sharon Falvey was on the mine site to inspect work required under NOV N90-18-2-1. She noted specific work was not completed on pond 008 and culvert C-9. FTACO C91-38-1-1 was issued on October 10, 1991, and was written for failure to complete work required for abatement of N90-18-2-1. C91-38-1-1 did not reference any problems with pond 012B.

6. On October 11, 1991, the Contractor informed the staff of the Division's Salt Lake City office that the abatement measures specified in C91-38-1-1 were completed. The Contractor and Operator considered that C91-38-1-1 had been abated.

7. On October 16 and 17, 1991, Sharon Falvey was on site to inspect the work required for abatement of C91-38-1-1. She determined that the required abatement measures had not been completed.

8. On October 18, 1991, Contractor contacted Division's Price Field Office to inform them that construction required under C91-38-1-1 was now completed.

9. On October 24, 1991, Division Reclamation Specialists, Randy Harden and Rick Summers, while on the minesite, noted that construction was underway on pond 012B, such that the pond was not in compliance with the approved plan.

10. On the basis of an inspection by Sharon Falvey on October 29, 1991, N90-18-2-1 and C91-38-1-1 were considered terminated, effective October 18, 1991.

11. During the inspection on October 29, 1991, it was also noted that the construction on pond 012B was completed. The as-built plans for pond 012B were received by the Division on December 4, 1991. The as-built plans for pond 012B had not been reviewed at the time of the informal conference.

#### CONCLUSIONS OF LAW

1. Because construction required under N90-18-2-1 was not completed on or before October 4, 1991, and an extension of the abatement date was not requested, FTACO C91-38-1-1 was properly issued, effective October 10, 1991.

2. The time period on FTACO C91-38-1-1 was halted effective October 11, 1992, based on the call to the Division by the Contractor. The time period on C91-38-1-1 resumed again on October 17, 1991, when the Division determined that C91-38-1-1 had not been abated. The time period was again halted on October 18, 1991, based on the Contractor's call on that date to the Division, stating that the abatement work had been completed.

3. NOV N90-18-2-1 and FTACO C91-38-1-1 were terminated, effective October 18, 1991.

4. The construction, which was underway on pond 012B during the October 24, 1991 minesite visit, was in violation of the approved plan and failed to meet requirements for sediment pond design and construction as required by Utah Admin. R645(614)-301-750 and R645(614)-301-732.

ORDER

NOW THEREFORE, it is ordered that:

1. Fact of Violation in FTACO C91-38-1-1 is upheld. C91-38-1-1 is determined to have been in effect and not abated for a total of 2 days.

2. The finalized assessment of FTACO C91-38-1-1 is due and payable to the Division 30 days from the date of this Order.

3. NOV N92-28-1-1 is issued March 9, 1992 for violation of Utah Admin. R645(614)-301-750 and R645(614)-301-732 for failure to construct and operate in accordance with approved plan and requirements for sediment ponds, with respect to pond 012B, based on the construction which was underway on October 24, 1991.

4. NOV N92-28-1-1 is not abated or terminated at this time because of questions regarding the as-built drawings for pond 012B. Further abatement will be addressed through N92-28-1-1.

5. NOV N92-28-1-1 is not subject to appeal with respect to its issuance in conjunction with this informal hearing and based on the October 24, 1991, pond construction.

SO DETERMINED AND ORDERED this 9th day of March, 1992.

A handwritten signature in cursive script that reads "Dianne R. Nielson". The signature is written in black ink and is positioned above the typed name and title.

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 for Cause No. ACT/007/004 to be mailed by certified mail, postage prepaid, the 9th day of March, 1992 to:

✓ Patricia J. Winmill, Esq.  
Parson, Behle & Latimer  
201 South Main Street  
Salt Lake City, Utah 84147-0898

✓ Richard H. Allison, Jr.  
Project Supervisor  
Amax Coal Company  
P.O. Box 3005  
2273 Bishop Road  
Gillette, Wyoming 82717-3005

Kim A. Kubota