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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Salt Lake City, Utah 84180-1203
801-538-5340

September 28, 1992

CERTIFIED RETURN RECEIPT REQUESTED
P 074 979 293

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 #N92-41-4-2, 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,

A handwritten signature in cursive script, appearing to read 'Ron Daniels'.

Ronald W. Daniels
Assessment Conference Officer

jbe
Enclosure
cc: Bernie Freeman, OSM, AFO

**WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE Amax Coal Company/Castle Gate Mine NOV #N92-41-4-2

PERMIT # ACT/007/004 VIOLATION 1 of 2

Assessment Date 09/28/92 Assessment Officer Ronald W. Daniels

Nature of Violation: Failure to follow approved plan for pest (weed) control.

Date of Termination: 06/19/92

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>14</u>	<u>14</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>20</u>	<u>20</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>25</u>	<u>23</u>
(4) Good Faith	<u>- 0</u>	<u>- 3</u>
Total Points	<u>79</u>	<u>74</u>
TOTAL ASSESSED FINE		<u>\$ 2520.00</u>

NARRATIVE:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Negligence points are reduced but still maintained to be in the "greater degree of fault" category. The operator's negligence is deemed to be less than originally determined due to an explanation of the lack of company staff knowledge of the availability of the Carbon County Weed Control Services. Good faith points are awarded for normal compliance, difficult abatement, during the second half of the abatement period.

**WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE Amax Coal Company/Castle Gate Mine NOV #N92-41-4-2

PERMIT # ACT/007/004 VIOLATION 2 of 2

Assessment Date 09/28/92 Assessment Officer Ronald W. Daniels

Nature of Violation: Failure to monitor reclamation according to the approved plan.

Date of Termination: 07/31/92

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>14</u>	<u>14</u>
(2) Seriousness		
(a) Probability of Occurrence	_____	_____
Extent of Damage	_____	_____
(b) Hindrance to Enforcement	<u>20</u>	<u>20</u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>- 0</u>	<u>- 3</u>
Total Points	<u>42</u>	<u>39</u>
TOTAL ASSESSED FINE		\$ <u>580.00</u>

NARRATIVE:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Good faith points are awarded at mid-range for difficult abatement, normal compliance, and for compliance during the second half of compliance period.