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

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December 10, 1993

CERTIFIED RETURN RECEIPT REQUESTED
P 074 975 460

Mr. Richard H. Allison, Jr. P.E.
Project Supervisor
AMAX Coal West, Inc.
P.O. Box 280219
Lakewood, CO 80228-0219

Re: Finalized Assessment for State Violation #N93-41-2-1, AMAX Coal West, Inc., Castle Gate Mine, ACT/007/004, Folder #5, Carbon County, Utah

Dear Mr. Allison:

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 'Ronald W. Daniels'.
Ronald W. Daniels
Assessment Conference Officer

sm

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 #N93-41-2-1
 PERMIT # ACT/007/004 VIOLATION 1 of 1
 Assessment Date 12/9/93 Assessment Officer Ronald W. Daniels

Nature of Violation:

Failure to include iron in the chemical parameters tested and reported upon in conjunction with a coal mining operation (8/10/93 inspection).

Date of Termination: 8/27/93

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>NA</u>	<u>NA</u>
Extent of Damage	<u>NA</u>	<u>NA</u>
(b) Hindrance to Enforcement	<u>12</u>	<u>12</u>
(3) Negligence	<u>14</u>	<u>8</u>
(4) Good Faith	<u>-NA</u>	<u>-5</u>
Total Points	<u>26</u>	<u>15</u>
TOTAL ASSESSED FINE		<u>\$ 150.00</u>

NARRATIVE:

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

Negligence is deemed to be ordinary, and is assigned at midpoint of the range. Compliance is categorized as "easy", and rapid. The violation originally was deemed to be not abatable, but the operator had saved the water sample, thus allowing abatement within a reasonable time.