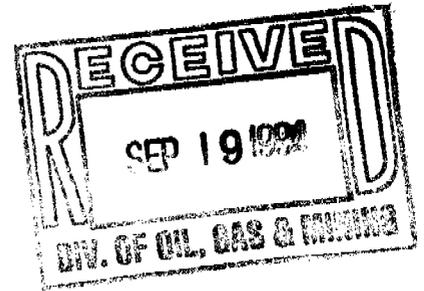




Cyprus Plateau Mining Corporation
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September 14, 1994

Mr. Paul Baker, Sr. Reclamation Biologist
 Division of Oil, Gas, and Mining
 355 West North Temple
 3 Triad Center, Suite 350
 Salt Lake City, UT 84180-1203



Re: Amax Coal Company
 Permit Number ACT/007/004
 NOV No. N94-41-4-1

#5

Dear Mr. Baker:

In response to the referenced violation, we request that the violation that the violation be withdrawn based on the following grounds.

- After discussing why calculations for CGD-19 were based on flow for a 10 Year event instead of a 100 Yr event, Earthfax Engineering stated that the interpretation of the regulation by DOGM was that a 10 Yr event was the required event.
- Diversion CGD-19 did not receive any damage during the recent storm event.
- The storm event was estimated by several independent sources to be 1.2" of rainfall in a 20 minute time period, which exceeds the Utah State estimate for a 100 Year event which is 0.62" in 15 minutes.
- Ditch CGD-7 safely handled the flow of the event which exceeded 100 Year estimate with minimal movement of riprap in limited sections of the ditch, which have been repaired.

If policies and/or interpretations have been revised, we believe that the permittee should be advised of the change and allowed to revise the permit accordingly. The proper time for such changes is usually at mid-term review. Since the plans for CGD-19 have been approved based on interpretations of the regulations, we certainly don't believe a violation is warranted.

Ditch CGD-7 did show some movement of riprap which required maintenance. The flow capacity of the ditch was not affected by movement and the ditch functioned properly. Flow was directed to the pond without any breaching of the ditch or erosion of the refuse fill. Regardless that the event exceeded the rainfall for a 100 Year event, the results required minor maintenance and did not warrant a violation. Enclosed are storm event estimates from Utah State.

Respectfully,

Lonnie Mills,
 Sr. Environmental Engineer