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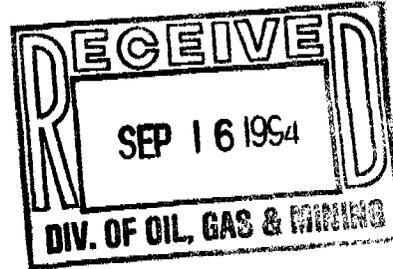
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Cyprus Plateau Mining Corporation
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September 14, 1994

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 #5
NOV No. N94-41-3-1

Copy Joe = Paul

Dear Mr. Baker:

In response to the referenced violation, we request that the violation that the violation be withdrawn based on the following grounds.

- Diversion CGD-5 has been designed and constructed to handle a 100 Year event. Refer to Appendix 3.4.A, Pages 53-55, 5.3.2 Design Flow Rate of the approved permit.
- The permit has been reviewed, approved, and has gone through subsequent renewals and approval by DOGM.
- 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.
- The ditch safely handled the flow of the event with minimal or no effects to the ditch itself.
- As stated in Appendix 3.4.A, Page 57, 5.3.4 Outlet, the discharge from the Ditch CGD-5 will exit into and down an existing small gully and enter the main channel of Barn Canyon.

Enclosed are storm event estimates from Utah State. Since you have previously contacted and confirmed the storm event duration and rainfall, I did not include any documentation.

In summary the plans for CGD-5 and the slope in Barn Canyon are addressed, implemented, and approved by DOGM; the storm event exceeded the estimates for a 100 Year event; Diversion CGD-5 adequately handled the event. If DOGM does not agree that the violation be vacated we request an extension to the abatement deadline until an Informal Conference to appeal the fact of the violation can be held.

Respectfully,

Lonnie Mills,
Sr. Environmental Engineer