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

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March 20, 1995

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 976 182

Lonnie Mills, Sr. Environmental Engineer  
AMAX Coal Company  
P.O. Drawer PMC  
Price, Utah 84501

Re: Finalized Assessment for State Violation #N94-41-3-1, AMAX Coal Company,  
Castle Gate Mine, ACT/007/004, Folder #5, Carbon County, Utah

Dear Mr. Mills:

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 that reads "Ronald W. Daniels".

Ronald W. Daniels  
Assessment Conference Officer

blb  
Enclosure  
cc: Donna Griffin, OSM, AFO



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

COMPANY/MINE AMAX Coal Co/Castle Gate Mine

NOV #N94-41-3-1

PERMIT # ACT/007/004

VIOLATION 1 of 1

Assessment Date 3/20/95

Assessment Officer Ronald W. Daniels

**Nature of Violation:**

Failure to design, locate, construct and maintain a diversion to be stable, to minimize impacts to the hydrologic balance within the permit area and adjacent areas, and to minimize erosion to the extent possible.

Date of Termination: 12/16/94

		<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1)	History/Previous Violations	<u>0</u>	<u>1</u>
(2)	Seriousness		
	(a) Probability of Occurrence	<u>20</u>	<u>20</u>
	Extent of Damage	<u>12</u>	<u>12</u>
	(b) Hindrance to Enforcement	<u>—</u>	<u>—</u>
(3)	Negligence	<u>15</u>	<u>7</u>
(4)	Good Faith	<u>-0</u>	<u>-0</u>
	Total Points	<u>47</u>	<u>40</u>
	TOTAL ASSESSED FINE		\$ <u>600.00</u>

**NARRATIVE:**

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

History points are increased to reflect violation N94-41-1-1 which was finalized July 1994. Negligence points are reduced to the mid range of "negligence" category since no greater or lesser degree of negligence than ordinary is indicated.

blb