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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter

Governor

Dee C. Hansen

Executive Director

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Division Director

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

October 21, 1988

CERTIFIED RETURN RECEIPT REQUESTED
P 001 717 618

Mr. William P. Balaz, Manager
Kaiser Coal Corporation
P.O. Box 10
Sunnyside, Utah 84539

Dear Mr. Balaz:

Re: Finalized Assessment for State Violation No. N88-26-11-1,
ACT/007/007, 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 have escrowed 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,

Alan S. Bachman
Assessment Conference Officer

jb

cc: John C. Kathmann, OSM, AFO
MN24/2

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

COMPANY/MINE Kaiser Coal Corporation NOV # N88-26-11-1

PERMIT # ACT/007/007 VIOLATION 1 OF 1

Assessment Date 5/15/88 Assessment Officer Alan S. Bachman

Nature of violation: Sediment control failures and water pollution

Date of termination: on or about 7/29/88

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>8</u>	<u>2</u>
(b) Hindrance to Enforcement	<u>-</u>	<u>-</u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>5</u>	<u>15</u>
 TOTAL	 <u>31</u>	 <u>15</u>
	TOTAL ASSESSED FINE	<u>\$150.00</u>

3. Narrative:

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

The crew was not available due to closure of the mine. Nevertheless, management still rapidly complied under the circumstances. There was no actual environmental harm. The inspection program and response of the operator shows that the "system works".