

0018

Act/007/013

Horse Canyon File #5
P. L. 1013
L. Braxton
J. Halfbrach

FABIAN & CLENDENIN

A PROFESSIONAL CORPORATION
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ALBERT J. COLTON
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VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

December 22, 1989

Mr. Lowell Braxton
Division of Oil, Gas & Mining
III Triad, Suite 350
355 West North Temple
Salt Lake City, Utah 84180-1203

RE: Notice of Violation 89-26-23-2

Dear Lowell:

On behalf of Kaiser Coal Corporation ("Kaiser"), we present the following information for your consideration in preparing a proposed assessment concerning the above-stated violation.

Kaiser is maintaining the Geneva (Horse Canyon) Mine in a temporary cessation status under UMC 817.131 and 30 CFR 817.131 pursuant to a Stipulation, Motion and Order in the matter of In Re: Revocation of Geneva Mine Interim Permit, Kaiser Coal Corporation, Docket No. 84-064, Cause No. ACT/007/013, dated October 31, 1986, attached. Pursuant to this Order, Kaiser agreed to submit a reclamation plan meeting the requirements of UMC 784.13 and a maintenance plan under UMC 817.131. The above-stated notice of violation improperly cites Kaiser for requirements which exceed those required of the operator under 30 CFR 817.131, UMC 817.131 and the Stipulation, Motion and Order between the operator and the Board of Oil, Gas & Mining.

Despite Kaiser's contention that it is not in violation of its temporary cessation status, it has taken immediate steps toward abating those alleged violations asserted in the Notice of Violation. By December 16, 1989, Kaiser had installed all silt fences and sedimentation control and erosion control measures

LAW OFFICES OF
FABIAN & CLENDENIN
A PROFESSIONAL CORPORATION

Mr. Lowell Braxton
December 22, 1989
Page 2

required by the NOV. As of December 21, 1989, Kaiser's contractor had performed all backhoe work necessary to abate the violation. In addition, Kaiser has contracted a firm to prepare designs for approval by the Division of Oil, Gas & Mining ("DOGM").

We appreciate your consideration in this matter.

Very truly yours,



Denise A. Dragoo

DAD:jmc:122289c

cc: Harrie F. Lewis, Esq.
John Palfy