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Norman H. Bangertter

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Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

October 17, 1989

CERTIFIED RETURN RECEIPT REQUESTED

P 075 063 221

Mr. John M. Palfy
Kaiser Coal Company
P. O. Box 1107
Raton, New Mexico 87740

Dear Mr. Palfy:

Re: Finalized Assessment for State Violation No. N89-26-19-1, ACT/007/013, Folder #5, Carbon County, Utah

The civil penalty for the above-referenced violation has been finalized. Please note that no fine has been assessed. 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. 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, appearing to read 'Barbara W. Roberts'.

Barbara W. Roberts
Assessment Conference Officer

jb

cc: John C. Kathmann, OSM, AFO
MN37/28

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

COMPANY/MINE Kaiser/Horse Canyon

NOV # 89-26-19-1

PERMIT # ACT/007/013

VIOLATION 1 OF 1

Assessment Date 10/17/89

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to provide sediment control measures on small disturbed areas.

Date of Termination: 8/8/89

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

3. Narrative:

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

Immediate compliance on a difficult abatement results in applicaiton of 20 good faith points.

jb
MN34/28