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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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Norman H. Bangerter  
Governor

Dee C. Hansen  
Executive Director

Dianne R. Nielson, Ph.D.  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

April 17, 1990

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 978 672

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

Dear Mr. Palfy:

Re: Finalized Assessment for State Violation No's N89-26-23-2 #'s 1 and 2,  
ACT/007/013, Folder #5, Carbon County, Utah

The civil penalties for the above-referenced violations have been finalized. These assessments have 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 penalties 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 penalties 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  
MN37/39

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

COMPANY/MINE Kaiser Coal Co/Horse Canyon

NOV # N89-26-23-2

PERMIT # ACT/007/013

VIOLATION 1 OF 2

Assessment Date 4/10/90

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to pass some undisturbed drainage through a sediment pond or receive DOMG approval for an exemption of this requirement.

Date of Termination: 3/17/90

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>1</u>	<u>1</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>12</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u>-</u>	<u>-</u>
(3) Negligence	<u>10</u>	<u>10</u>
(4) Good Faith	<u>- 0</u>	<u>- 5</u>
TOTAL	<u>31</u>	<u>18</u>
TOTAL ASSESSED FINE		<u>\$180.00</u>

3. Narrative:

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

Good faith points awarded on the basis of a difficult abatement, normal compliance. The "event" upon which the proposed assessment was based is modified to "water pollution" and the probability of occurrence is reduced to likely.

jb  
MN34/42

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

COMPANY/MINE Kaiser Coal Co/Horse Canyon

NOV # N89-26-23-2

PERMIT # ACT/007/013

VIOLATION 2 OF 2

Assessment Date 4/10/90

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to minimize erosion to the extent possible on unprotected channels.

Date of Termination: 12/23/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>1</u>	<u>1</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>10</u>	<u>10</u>
(b) Hindrance to Enforcement	<u>-</u>	<u>-</u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>- 10</u>	<u>- 15</u>
TOTAL	<u>29</u>	<u>24</u>
	<b>TOTAL ASSESSED FINE</b>	<b><u>\$280.00</u></b>

3. Narrative:

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

Good faith points assessed on the basis of a difficult abatement with rapid compliance.

jb  
MN34/43