

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES AND ENERGY
in and for the STATE OF UTAH

IN THE MATTER OF THE APPLICATION)	
FOR REVIEW AND HEARING BY PRICE)	ORDER
RIVER COAL COMPANY REGARDING)	CAUSE NO. ACT/007/004
ISSUED MINING VIOLATIONS)	

This cause came for hearing before the Board of Oil, Gas and Mining on the 27th day of August, 1981, in the Wildlife Resources Auditorium, 1596 West North Temple, Salt Lake City, Utah.

The following Board Members were present:

- Charles R. Henderson, Chairman
- Herm Olsen, Presiding Chairman
- John L. Bell
- Margaret R. Bird
- E. Steele McIntyre
- Robert R. Norman

The following staff members were present:

- Cleon B. Feight, Director of the Division of Oil, Gas and Mining
- Ronald W. Daniels, Deputy Director of the Division of Oil, Gas and Mining
- Joseph C. Helfrich, Reclamation Soils Specialist
- Thomas Portle, Enforcement Officer
- Carolyn L. Driscoll, Special Assistant Attorney General

Appearances were made as follows:

- Robert Wiley, Price River Coal Company
- Ken Hutchinson, Chief Engineer, Price River Coal Company
- H. Michael Keller, Counsel for Price River Coal Company

NOW, THEREFORE, the Board, having considered the testimony and the exhibits presented in this hearing, and being fully advised in the premises, now makes and enters the following:

FINDINGS

1. On February 4, 1980, the State Division of Oil, Gas and Mining conducted an inspection of Price River Coal Company's Crandall Canyon operation.
2. On the afore said date the Division inspector, Thomas Portle, issued and served notices of six violations upon Price River Coal Company.

3. Violation Number 2 of 6 was issued for the operator's alleged failure to comply with the terms and conditions of the approved permit for activity at the Crandall Canyon site.

4. Violation Number 5 of 6 was issued for the operator's alleged failure to utilize sediment control methods to negate possible additional sediment contribution to streamflow or runoff beyond the permitted area.

5. On April 6, 1981, Ronald W. Daniels, Acting Assessment Officer for the Division of Oil, Gas and Mining issued a proposed civil penalty assessment to the operator, Price River Coal Company.

6. An assessment conference before the Assessment Officer was held on April 22, 1981. The operator was afforded the opportunity to contest the facts of the violation and the assessment.

7. The Assessment Officer, in an assessment conference report dated May 22, 1981, announced that Violations Number 2 of 6 and Number 5 of 6 were upheld. However the assessment for Violation Number 2 of 6 was reduced.

8. The operator on July 1, 1981 made a timely appeal of the Assessment Officer's decision to the Board of Oil, Gas and Mining.

9. Representatives of Price River Coal Company appeared at the Board's August 27, 1981 hearing and challenged the validity of the issued violations and assessed penalties.

CONCLUSIONS OF LAW

1. The violations occurred as observed by the inspector.
2. The inspector properly issued the violations.
3. The Assessment Officer properly upheld the violations and reduced the earlier proposed penalty for Violation Number 2 of 6.

ORDER

1. The violations, Number 2 of 6 and Number 5 of 6, are upheld as written.
2. The point system utilized to determine the proposed assessment is waived, for this cause only, and the proposed penalty assessments are vacated.

3. The history points assessed to each violation are upheld and may, in appropriate situations, be retroactively utilized.

SO ORDERED this 27th day of August, 1981.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING


Charles R. Henderson, Chairman

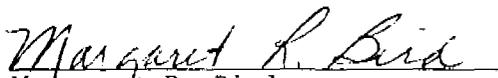

Herm Olsen, Presiding Chairman


John L. Bell


E. Steele McIntyre

Edward T. Beck

Robert R. Norman


Margaret R. Bird