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SCOTT M. MATHESON
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON
Executive Director,
NATURAL RESOURCES

STATE OF UTAH

CHARLES R. HENDERSON
Chairman

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL, GAS, AND MINING

JOHN L. BELL
C. RAY JUVELIN
THADIS W. BOX
MAXILIAN A. FARBMAN
EDWARD T. BECK
E. STEELE McINTYRE

CLEON B. FEIGHT
Director

1588 West North Temple
Salt Lake City, Utah 84116
(801) 533-5771

May 28, 1981

#0367107

REGISTERED - RETURN RECEIPT REQUESTED

Mr. Ken Hutchinson
Price River Coal Company
P.O. Box 629
Helper, Utah 84526

RE: Assessment Conference Report and
Assessment of Civil Penalty
Violation No. N81-3-2-6

Dear Mr. Hutchinson:

Attached you will find the Assessment Conference Report for N.O.V. #81-3-2-6. As you know, an award of minus points for your good faith efforts to comply cannot be awarded due to the stay imposed through the Boards policy on inspection and enforcement during the United Mine Workers of America strike.

Please be advised that the time clock will again start once the strike is over. If the abatement work is done on these violations, once the strike is over, you will be eligible for good faith points.

Sincerely,

Ronald W. Daniels
RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

Enclosure

cc: Inspector
Assessment Officer



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Violation No. N81-3-2-6

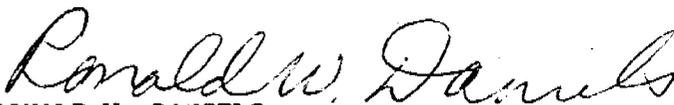
Dear Mr. Hutchinson:

Enclosed please find the Division's Assessment Conference Report concerning violations of the Utah Coal Mining and Reclamation Act, U.C.A., 40-10-1, et seq., at the Braztah Complex, Carbon County, Utah. The civil penalty of \$1,700.00 is hereby assessed by the Board of Oil, Gas and Mining unless you apply for review and public hearing before the Board within 30 days of receipt of this letter and the Assessment Conference Report.

Should you choose not to seek a public hearing concerning this matter, the civil assessment must be paid to the Division within 30 days of receipt of this letter and the Assessment Conference Report.

Please contact the Division if you have any questions or informational needs.

Sincerely,


RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

cc: Inspector
Assessment Officer

Enclosure

ASSESSMENT CONFERENCE REPORT
 Utah Division of Oil, Gas & Mining
 1588 West North Temple
 Salt Lake City, Utah

NOV/CO No. N81-3-2-6

Location of Conference: Salt Lake City, Utah

Date of Conference: April 21, 1981

Company Name/Mine Name: Price River Coal Company/Braztah Complex

<u>Persons in Attendance</u>	<u>Title</u>
<u>Michael Keller</u>	<u>Counsel, Price River Coal Company</u>
<u>Ken Hutchinson, Rob Wiley</u>	<u>Price River Coal Company</u>
<u>Joe Helfrich, Ron Daniels</u>	<u>Division of Oil, Gas and Mining</u>

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>1 of 6</u>	<u>\$ 180.00</u>
<u>2 of 6</u>	<u>380.00</u>
<u>3 of 6</u>	<u>380.00</u>
<u>4 of 6</u>	<u>Vacated</u>
<u>5 of 6</u>	<u>640.00</u>
<u>6 of 6</u>	<u>120.00</u>
<u>Total</u>	<u>1,700.00</u>

Approved: Ronald W. Daniels
 (Signature of Conference Officer)

Date: 5/28/81

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 30 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N81-3-2-6

Violation 1 of 6

(a) Nature of violation: Mining without a permit.

(b) Date of termination: Pending.

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio. - N80-1-11-1	<u>0</u>	<u>1</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>-</u>	<u>-</u>
Extent of Damage	<u>-</u>	<u>-</u>
(2) Obstr. to Enforcement	<u>8</u>	<u>8</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>-</u>	<u>-</u>
(e) Acreage	<u>1</u>	<u>1</u>
TOTAL	<u>17</u>	<u>18</u>

3. Narrative:
(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N81-3-2-6
 Violation 2 of 6
 (a) Nature of violation: Failure to comply with the terms of an approved permit.
 (b) Date of termination: Pending.

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.- N80-1-11-1	<u>1</u>	<u>1</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>7</u>	<u>7</u>
Extent of Damage	<u>12</u>	<u>12</u>
(2) Obstr. to Enforcement	<u>-</u>	<u>-</u>
(c) Negligence	<u>23</u>	<u>8</u>
(d) Good Faith	<u>-</u>	<u>-</u>
(e) Acreage	<u>1</u>	<u>1</u>
TOTAL	<u>44</u>	<u>29</u>

3. Narrative:
 (Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

No evidence was presented that showed a previous Warning had been given by the Division.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N81-3-2-6
 Violation 3 of 6
 (a) Nature of violation: Failure to remove topsoil.
 (b) Date of termination: Pending.

2. Conference Result	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio. - N80-1-11-1	<u>1</u>	<u>1</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u>7</u>
Extent of Damage	<u>12</u>	<u>12</u>
(2) Obstr. to Enforcement	<u>-</u>	<u>-</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>1</u>	<u>1</u>
(e) Acreage	<u>1</u>	<u>1</u>
TOTAL	<u>34</u> <i>53</i>	<u>29</u> <i>28</i>

Not on proposal

3. Narrative:
 (Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

ASSESSMENT CONFERENCE REPORT
(continued)

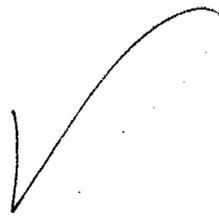
1. Notice of Violation/Cessation Order No. N81-3-2-6

Violation 4 of 6

(a) Nature of violation: Failure to employ sediment control methods.

(b) Date of termination: Pending

2. Conference Result	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio.	<u>1</u>	<u> </u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u> </u>
Extent of Damage	<u>12</u>	<u> </u>
(2) Obstr. to Enforcement	<u>-</u>	<u>-</u>
(c) Negligence	<u>16</u>	<u> </u>
(d) Good Faith	<u>-</u>	<u> </u>
(e) Acreage	<u>1</u>	<u> </u>
TOTAL	<u>42</u>	<u>violation vacated</u>



3. Narrative:
(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N81-3-2-6

Violation 5 of 6

(a) Nature of violation: Failure to employ sediment control methods.

(b) Date of termination: Pending

2. Conference Result

	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>1</u>	<u>1</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u>12</u>
Extent of Damage	<u>12</u>	<u>12</u>
(2) Obstr. to Enforcement	<u>-</u>	<u>-</u>
(c) Negligence	<u>16</u>	<u>16</u>
(d) Good Faith	<u>-</u>	<u>-</u>
(e) Acreage	<u>1</u>	<u>1</u>
TOTAL	<u>42</u>	<u>43</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N81-3-2-6
 Violation 6 of 6
 (a) Nature of violation: Fording a stream without permission.
 (b) Date of termination: Pending.

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>1</u>	<u>1</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u>5</u>
Extent of Damage	<u>12</u>	<u>3</u>
(2) Obstr. to Enforcement	<u>-</u>	<u>-</u>
(c) Negligence	<u>8</u>	<u>2</u>
(d) Good Faith	<u>-</u>	<u>-</u>
(e) Acreage	<u>1</u>	<u>1</u>
TOTAL	<u>34</u>	<u>12</u>

3. Narrative:
 (Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

This violation was demonstrated to be less serious than originally assessed.