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STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

NOV
Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

December 16, 1982

REGISTERED RETURN RECEIPT REQUESTED *105 7075394*

Rob Wiley
Price River Coal Company
P.O. Box 629
Helper, Utah 84526

RE: Finalized Assessment
for State Violation
N82-4-12-2
ACT/007/004

Dear Mr. Wiley:

The civil penalty for the Violation No. N82-4-12-2, has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within thirty days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within thirty days of receipt of the proposed assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

RONALD W. DANIELS
ACTING ASSESSMENT
OFFICER

RWD/Tm

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

NOV/CO No. N82-4-12-2

Location of Conference: Salt Lake City, Utah

Date of Conference: December 14, 1982

Company Name/Mine Name: Price River Coal Co./Price River Complex

<u>Persons in Attendance</u>	<u>Title</u>
<u>Rob Wiley</u>	<u>Price River Coal Company</u>
<u>Ken Hutchinson</u>	<u>Price River Coal Company</u>
<u>Ronald W. Daniels and Joe Lyons</u>	<u>DOGM</u>

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>1 of 2</u>	<u>\$ 00.00</u>
<u>2 of 2</u>	<u>600.00</u>
<u>Total</u>	<u>600.00</u>

The operator is due an \$800.00 refund due to his having
escrowed \$1,400.00 on 11/24/82 by check #21909.

Approved: *RW Daniels*
(Signature of Conference Officer)

Date: 12/16/82

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. N82-4-12-2

Violation 1 of 2

(a) Nature of violation: Failure to pass surface drainage through a sediment facility.

(b) Date of termination: _____

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>5</u>	<u>--</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>16</u>	<u>--</u>
Extent of Damage	<u>16</u>	<u>--</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>8</u>	<u>--</u>
(d) Good Faith	<u>--</u>	<u>--</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>45</u>	<u>--</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.)

The use of the penalty points system in assessing a penalty for this violation is waived. Any penalty assessed for this violation is demonstrably unjust. The operator demonstrated that it is reasonable to assume that while precipitation did not exceed the design storm capacity of hydrologic structures, runoff could have exceeded that which normally is expected from such a storm in this region. In addition, the operator demonstrated that he had a crew of maintenance people (backhoe operators) working overtime during the period from 9/24/82 through 10/16/82. This overtime work was being expended so the operator could correct drainage and other problems caused by the extraordinary weather conditions.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N82-4-12-2

Violation 2 of 2

(a) Nature of violation: Failure to maintain diversions

(b) Date of termination: November 12, 1982

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>5</u>	<u>5</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>15</u>	<u>15</u>
Extent of Damage	<u>10</u>	<u>10</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>10</u>	<u>10</u>
(d) Good Faith	<u>--</u>	<u>--</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>40</u>	<u>40</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.)
