



0084

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

ACT/007/004

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

January 5, 1982

#0367225  
Mr. Robert Wiley  
Price River Coal Company  
P.O. Box 629  
Helper, Utah 84526

RE: Proposed Assessment for  
State Violation No. N81-2-14-I

Dear Mr. Wiley:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector Sandy Pruitt on November 24, 1981.

The Board of Oil, Gas and Mining has empowered me to act as Assessment Officer and to conduct informal conferences on violations and assessments. This assessment has been computed by me using Rule UMC/SMC 845.2 et. seq.

You may or may not request that the Division establish an assessment conference at this time. If no conference is requested by you within 30 days of your receipt of this letter the violation will be reassessed considering available facts and you will be required to pay the civil penalty as reassessed.

Should you decide to request an assessment conference you must do so in writing within 30 days of your receipt of this letter. Please specify in your request what the nature of your contest to the violation will include. For your ease in responding I have classified those contests as follows:

1. A contest of the amount of the assessment and not the fact of the violation(s) having occurred.
2. A contest of the facts of whether the violation(s) occurred.

Mr. Robert Wiley  
January 5, 1982  
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This classification has been made to enable the Division time to arrange for a court reporter to establish a record of the proceedings in contests of the facts of a violation.

My decision resulting from the assessment conference may be appealed to the Board in a more formal proceeding.

Sincerely,

  
RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

RWD/te

ASSESSMENT WORKSHEET

NOV# N81-2-14-1

PERMIT# ACT/007/004

Name of Company Price River Coal Company

Violation # 1 of 1

POINTS

- 1. History of previous violations 6
- 2. Seriousness (either A or B)
  - A. (1) Probability of occurrence 12
  - (2) Extent of potential or actual damage 16
  - B. ~~Obstruction to enforcement~~ -
  - Total Seriousness ~~28~~ 28
- 3. Negligence 8
- 4. Good Faith (Will be considered after complete information is received) -

TOTAL POINTS 42

ASSESSMENT \$ 680.00

Violation #    of   

POINTS

- 1. History of previous violations
- 2. Seriousness (either A or B)
  - A. (1) Probability of occurrence
  - (2) Extent of potential or actual damage
  - B. ~~Obstruction to enforcement~~
  - Total Seriousness
- 3. Negligence
- 4. Good Faith (Will be considered after complete information is received)

TOTAL POINTS   

ASSESSMENT \$

ASSESSMENT EXPLANATION

NOV# N81-2-14-1

PERMIT# ACT/007/004

Name of Company Price River Coal Company

Violation # 1 of 1

History of previous violations: 1 point (N80-1-11-1) and 5 points (N81-3-2-6).

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation was for a failure to maintain sediment control measures. This violation is deemed likely to result in the events of water pollution and erosion. 12 points.

(2) Extent of actual or potential damage:

Damage would extend outside the permit area. 16 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: ~~WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED~~