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

felting

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

April 25, 1983

REGISTERED RETURN RECEIPT REQUESTED *PO5 7075453*

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

RE: Finalized Assessment for
State Violation No.
N82-4-17-2
ACT/007/004
Folder No. *38*
Carbon County, Utah

Dear Mr. Wiley:

The civil penalty for the Violation No. 82-4-17-2, 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 fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division prior to the Board Hearing. 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 (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/gb

Enclosure

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty

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

NOV/COX No. N82-4-17-2

Location of Conference: Salt Lake City, Utah

Date of Conference: March 10, 1983

Company Name/Mine Name: Price River Coal Company / Price River Complex / ACT/007/00

Persons in Attendance

Title Representing

Rob Wiley, Ken Hutchinson,

Price River Coal Company

Barbara Roberts, Dave Lof

Attorney General

and Ron Daniels

DOGM

Violation No.

Amount of Assessment
As Revised

1 of 2

\$ 00.00 (No penalty)

2 of 2

120.00

Total

120.00

The operator is due a refund in the amount of 680.00 by virtue
of the fact that he escrowed the proposed penalty (\$800.00) by check
number 22630 dated February 22, 1983.

Approved: _____
(Signature of Conference Officer)

Date: _____

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/~~Cancellation~~ Order No. N82-4-17-2
 Violation 1 of 2
 (a) Nature of violation: Failure to post buffer zone markers.
 (b) Date of termination: February 18, 1983

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>7</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>-20</u>	<u> </u>
TOTAL	<u>16</u>	<u> </u>

Use of points system waived.

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 points system is waived in this case due to a penalty being demonstrably unjust. Buffer zone signs were posted but one sign was vandalized and missing from its post.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N82-4-17-2
 Violation 2 of 2
 (a) Nature of violation: Failure to pass surface drainage through a treatment facility.
 (b) Date of termination: December 23, 1983

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>5</u>	<u>4</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u>10</u>
Extent of Damage	<u>16</u>	<u>8</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>--</u>	<u>--</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>41</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.)

Immediate abatement is applicable to this violation. Probability and extent are reduced due to each being less than originally estimated.