



0050

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

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

✓ NOU
certified mail no.

P324 743 126

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

February 28, 1983

CERTIFIED RETURN RECEIPT REQUESTED

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

RE: Proposed Assessment for
State Violation
No. N82-4-14-1
ACT/007/004

Dear Mr. Wiley:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the aforereferenced violation(s). The aforesaid violation(s) was issued by Division Inspector Dave Lof on the 15th day of November, 1982. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A request for an assessment conference must be submitted within thirty (30) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violation, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) 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.

Mr. Rob Wiley
ACT/007/004
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You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,


RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/gb

cc: Jodie Merrimen, OSM
Barbara Roberts, DOGM
Joe Helfrich, DOGM

ASSESSMENT WORKSHEET

NOV# N82-4-14-1

PERMIT# ACT/007/004

Name of Company Price River Coal Company

Violation # <u>1</u> of <u>1</u>	<u>POINTS</u>
1. History of previous violations	<u>8</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>12</u>
(2) Extent of potential or actual damage	<u>16</u>
B. Obstruction to enforcement	<u>--</u>
Total Seriousness	<u>28</u>
3. Negligence	<u>12</u>
4. Good Faith (Will be considered after complete information is received)	<u>--</u>
TOTAL POINTS	<u>48</u>
ASSESSMENT	<u>\$ 920.00</u>

Violation # <u>--</u> of <u>--</u>	<u>POINTS</u>
1. History of previous violations	<u>_____</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>_____</u>
(2) Extent of potential or actual damage	<u>_____</u>
B. Obstruction to enforcement	<u>_____</u>
Total Seriousness	<u>_____</u>
3. Negligence	<u>_____</u>
4. Good Faith (Will be considered after complete information is received)	<u>_____</u>
TOTAL POINTS	<u>_____</u>
ASSESSMENT	<u>\$ _____</u>

ASSESSMENT EXPLANATION

NOV# N82-4-14-1

PERMIT# ACT/007/004

Name of Company Price River Coal Company

Violation # 1 of 1

History of previous violations: N81-2-14-1 eff. 6-4-82=1 pt., N82-4-4-2 eff. 6-24-82=2 pts.,

N82-4-5-1 eff. 9-19-82=1 pt., N82-4-7-1 eff. 9-19-82=1 pt., N82-4-9-1 eff. 12-16-82=1 pt.

Seriousness: (either A or B) N82-4-12-2 eff. 1-16-83=2 pts.. N82-4-17-2= pending
Total - 8 pts.

A. (1) Probability of occurrence:

The violation, failure to design, construct and maintain sediment control structures is deemed likely result in the event of water pollution. 12 pts.

(2) Extent of actual or potential damage:

Damage would extend off the permit area. 16 pts.

B. Obstruction to enforcement: - - -

Negligence: ORDINARY NEGLIGENCE - 12 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED