



0006

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File
Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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

October 17, 1984

REGISTERED RETURN RECEIPT REQUESTED
P402 457 407

Gordon Cook, Vice President
Price River Coal Company
P. O. Box 629
Helper, Utah 84526

Dear Mr. Cook:

RE: Finalized Assessment for State Violation No. N84-2-2-7,
ACT/007/004, Folder #7, Carbon County, Utah

The civil penalty for the violation No. N84-2-2-7 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 within a maximum of 30 days of receipt of this letter but in all cases 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,

Lorin P. Nielsen

Lorin P. Nielsen
Acting Assessment Officer

LPN:re

cc: Donna Griffin, DSM Albuquerque
Joe Helfrich
Barbara Roberts
03900

ASSESSMENT CONFERENCE REPORT
 Utah Division of Oil, Gas & Mining
 4241 State Office Building
 Salt Lake City, Utah 84114

NOV/CO No. N84-2-2-7

Location of Conference: Salt Lake City, Utah

Date of Conference: September 17, 1984

Company Name/Mine Name: Price River Coal Company

<u>Persons in Attendance</u>	<u>Representing</u>
<u>Lorin P. Nielsen</u>	<u>Natural Resources and Energy</u>
<u>Sandy Pruitt</u>	<u>Division of Oil, Gas and Mining</u>
<u>Joe Helfrich</u>	<u>Division of Oil, Gas and Mining</u>
<u>Rob Wiley</u>	<u>Price River Coal Company</u>
<u>Mike Keller</u>	<u>Price River Coal Company</u>

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>N84-2-2-7 #1 of 7</u>	<u>\$ 520.00</u>
<u>#2 of 7</u>	<u>280.00</u>
<u>#3 of 7</u>	<u>520.00</u>
<u>#4 of 7</u>	<u>90.00</u>
<u>#5 of 7</u>	<u>90.00</u>
<u>#6 of 7</u>	<u>0</u>
<u>#7 of 7</u>	<u>0</u>
<u>TOTAL</u>	<u>\$ 1490.00</u>

Approved: *Lorin P. Nielsen* Date: 10/17/84
 (Signature of Conference Officer)

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 15 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-2-2-7Violation 1 of 7(a) Nature of violation: Failure to maintain surface grades so all
disturbed area drainage goes thru sediment
pond before leaving area(b) Date of termination: March 5, 1984

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	<u>7</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>10</u>	<u>10</u>
Extent of Damage	<u>10</u>	<u>10</u>
(2) Obstr. to Enforcement	<u> </u>	<u> </u>
(c) Negligence	<u>12</u>	<u>12</u>
(d) Good Faith	<u>-2</u>	<u>-2</u>
(e) Acreage	<u> </u>	<u> </u>
TOTAL	<u>36</u>	<u>37</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.)

History: Pending assessments have been finalized. Raise to 7
Probability: Affirmed
Extent: Affirmed
Negligence: Affirmed
Good Faith: Affirmed

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-2-2-7Violation 2 of 7(a) Nature of violation: Failure to construct and maintain diversion ditches to pass 2 year event.(b) Date of termination: April 13, 1984

2. Conference Result	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio.	<u>6</u>	<u>7</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u>12</u>
Extent of Damage	<u>8</u>	<u>8</u>
(2) Obstr. to Enforcement		
(c) Negligence	<u>24</u>	<u>8</u>
(d) Good Faith	<u>-10</u>	<u>-10</u>
(e) Acreage		
TOTAL	<u>40</u>	<u>25</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.)

History: Pending assessments have been finalized. Raise to 7

Probability: Approved plans call for ditches. In order to allow use of berm and road to handle events runoff to sediment, plans must be submitted to and approved by regulatory agency. Until then diversion ditches. Affirmed

Extent: Affirmed

Negligence: Operator redug and cleaned ditches in November and replaced bales. Spring work had not occurred due to cold. Reduce to 8

Good Faith: Affirmed

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-2-2-7Violation 3 of 7(a) Nature of violation: Failure to maintain overload flow diversion.(b) Date of termination: April 16, 1984

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	<u>7</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u>12</u>
Extent of Damage	<u>10</u>	<u>10</u>
(2) Obstr. to Enforcement	<u> </u>	<u> </u>
(c) Negligence	<u>26</u>	<u>10</u>
(d) Good Faith	<u>0</u>	<u>-3</u>
(e) Acreage	<u> </u>	<u> </u>
TOTAL	<u>54</u>	<u>36</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.)

History: Pending assessments have been finalized. Raise to 7
Probability: Affirmed
Extent: Affirmed
Negligence: Operator had on three occasions since January 1, 1984 attempted unsuccessfully to remove obstructions. Change to 10
Good Faith: Operator used outside contractor. Difficult situation. Abatement within period assign three points.

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-2-2-7Violation 4 of 7(a) Nature of violation: Failure to maintain sediment pond to prevent short circuiting.(b) Date of termination: March 5, 1984

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	<u>7</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>5</u>	<u>5</u>
Extent of Damage	<u>2</u>	<u>2</u>
(2) Obstr. to Enforcement	<u> </u>	<u> </u>
(c) Negligence	<u>3</u>	<u>3</u>
(d) Good Faith	<u>-7</u>	<u>-7</u>
(e) Acreage	<u> </u>	<u> </u>
TOTAL	<u>9</u>	<u>10</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.)

History: Pending assessments have been finalized. Raise to 7
Probability: Affirmed
Extent: Affirmed
Negligence: Affirmed
Good Faith: Affirmed

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-2-2-7Violation 5 of 7(a) Nature of violation: Ponds not certified by registered professional engineer(b) Date of termination: March 29, 1984

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	<u>7</u>
(b) Seriousness		
(1) Probability of Occurrence	<u> </u>	<u> </u>
Extent of Damage	<u> </u>	<u> </u>
(2) Obstr. to Enforcement	<u>5</u>	<u>5</u>
(c) Negligence	<u>14</u>	<u>12</u>
(d) Good Faith	<u>-15</u>	<u>-15</u>
(e) Acreage	<u> </u>	<u> </u>
TOTAL	<u>10</u>	<u>9</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.)

History: Pending assessments have been finalized. Raise to 7
Obstruction: Affirmed
Negligence: Plans had been drawn up, but certification not done. Change points to 12
Good Faith: Affirmed

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-2-2-7Violation 6 of 7

- (a) Nature of violation: Failure to monitor surface water since October 1983.
- (b) Date of termination: March 7, 1984

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	<u>7</u>
(b) Seriousness		
(1) Probability of Occurrence	<u> </u>	<u> </u>
Extent of Damage	<u> </u>	<u> </u>
(2) Obstr. to Enforcement	<u>3</u>	<u>3</u>
(c) Negligence	<u>4</u>	<u>4</u>
(d) Good Faith	<u>-15</u>	<u>-15</u>
(e) Acreage	<u> </u>	<u> </u>
TOTAL	<u>-2</u>	<u>-1</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.)

History: Pending assessments have been finalized. Raise to 7

Obstruction: Affirmed

Negligence: Operator believed OSM had approved, orally, new water quality monitoring program. OSM approval came in mid-april. Operator should not have proceeded without written or other confirmation.
Affirmed

Good Faith: Affirmed

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-2-2-7Violation 7 of 7

- (a) Nature of violation: Failure to construct sediment ponds in accordance with approved design before beginning underground coal activities in affected area.
- (b) Date of termination: May 14, 1984

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	<u>0</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>10</u>	<u> </u>
Extent of Damage	<u>10</u>	<u> </u>
(2) Obstr. to Enforcement	<u> </u>	<u> </u>
(c) Negligence	<u>12</u>	<u> </u>
(d) Good Faith	<u>-11</u>	<u> </u>
(e) Acreage	<u> </u>	<u> </u>
TOTAL	<u>27</u>	<u>0</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.)

Sediment pond in question failed in October 1983. Operator requested approval on November 2, 1983 to construct subsurface drainage and modify pond. Verbal approval given and work commenced that week. Written approval sent February 1, 1984. Inspection on February 28 - 29 1984. Work not completed due to weather. Thus NOV on incomplete work not appropriate. Vacate both NOV and penalty.