



0010

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

September 10, 1984

REGISTERED RETURN RECEIPT REQUESTED  
P 402 457 383

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. N84-2-6-2,  
ACT/007/004, Folder # 8, Carbon County, Utah

The civil penalty for the Violation No. N84-2-6-2 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 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

re  
cc: Donna Griffin, Office of Surface Mining  
Joe Helfrich  
Barbara Roberts

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

NOV/CO No. N84-2-6-2

Location of Conference: Salt Lake City, Utah

Date of Conference: August 10, 1984

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

Persons in Attendance

Representing

Lorin P. Nielson  
Sandy Pruitt  
Joe Helfrich  
R. L. Wiley  
K. B. Hutchinson  
Michael Keller

Natural Resources and Energy  
Division of Oil, Gas and Mining  
Division of Oil, Gas and Mining  
Price River Coal Company  
Price River Coal Company  
Price River Coal Company

Violation No.

Amount of Assessment  
As Revised

N84-2-6-2

\$ -0-

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Approved: Lorin P. Nielson  
(Signature of Conference Officer)

Date: 9-10-84

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. N84-2-6-2
- Violation 2 of 2
- (a) Nature of violation: Failure to meet appropriate combinations of principal and emergency spillway to hold pass a 25 year 24 hour flood
- (b) Date of termination: May 08, 1984

2. Conference Result	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio.	<u>6</u>	<u>        </u>
(b) Seriousness		
(1) Probability of Occurrence	<u>10</u>	<u>        </u>
Extent of Damage	<u>8</u>	<u>        </u>
(2) Obstr. to Enforcement	<u>        </u>	<u>        </u>
(c) Negligence	<u>4</u>	<u>        </u>
(d) Good Faith	<u>        </u>	<u>        </u>
(e) Acreage	<u>        </u>	<u>        </u>
TOTAL	<u>28</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.)

Company requested variance on sediment ponds in question in June of 1983: OSM, Denver Tech Center required spillways on April 2, 1984. Thus 10 day notice and resultant NOV based on February 28 and 29, 1984 inspection are inappropriate as MRP plans under review. Vacate both NOV and penalty.