



0018

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

July 27, 1984

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

Dear Mr. Cook:

RE: Corrected Assessment, N84-2-2-7, #1 of 7, Price River Coal  
Co./Complex, ACT/007/004, Folder No. 8

In a chance review of the assessments for the above noted violations, I discovered that two numbers were added together that should not have been, the Damage points and the negligence points. Instead, the two categories which comprise seriousness points, Probability of Occurrence Points and Damage Points, should be added together.

The error is corrected on the enclosed assessment sheets. I apologize for any inconvenience this may have caused.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Wright".

Mary Ann Wright  
Assessment Officer

MAW/jvb

Enclosure

cc: Lorin Nielson, DNR  
Jodie Merriman, OSM, Denver  
97000-8

WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Price River Coal Co./Complex NOV # N84-2-2-7

PERMIT # ACT/007/004 VIOLATION 1 OF 7

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 5-25-84 EFFECTIVE ONE YEAR DATE 5-24-83

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N82-4-14-1</u>	<u>7-13-83</u>	<u>1</u>	<u>N83-2-15-1</u>	<u>5-2-84</u>	<u>1</u>
<u>N82-4-17-2</u>	<u>6-14-83</u>	<u>2</u>	<u>N83-2-16-1</u>	<u>5-2-84</u>	<u>1</u>
<u>N83-4-2-1</u>	<u>7-13--83</u>	<u>1</u>			
<u>N84-2-5-1</u>	<u>pending</u>	<u>0</u>			
<u>N84-2-6-2</u>	<u>pending</u>	<u>0</u>			

1 point for each past violation, up to one year  
5 points for each past violation in a CO, up to one year  
No pending notices shall be counted  
TOTAL HISTORY POINTS 6

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 10

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement "stream sedimentation and offsite erosion may result from uncontrolled runoff" due to the failure of the operator to maintain surface grades to control disturbed area runoff. Assessed at low end of likely since visibly detectable sediment (brown icicles) was indicated by inspector to be likely to be carried about 100' into a nearby ephemeral stream, Crandall Creek, by a heavy storm event.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 10

PROVIDE AN EXPLANATION OF POINTS Damage would extend offsite. Inspectors statement indicates it may already have done so (brown icicles into stream diversion from disturbed area ponding). Duration is unknown. Amount of flow to undisturbed area is also unknown but presence of icicles may indicate that flow was not continual or constant. Assessed downward.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? \_\_\_\_\_

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_

TOTAL SERIOUSNESS POINTS (A or B) 20

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;  
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;  
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS The uncontrolled runoff occurred from the mine yard, an area of easy observance for the operator. A lack of diligence or reasonable care was demonstrated by the operator in not observing and correcting the problem when it began.

