



0025

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

June 18, 1984

P 402 457 321
CERTIFIED RETURN RECEIPT REQUESTEDMr. Gordon Cook, Vice-President
Price River Coal Company
P O Box 629
Helper, Utah 84526RE: Proposed Assessment for State
Violation No. N84-2-5-1, #1 of 1
N84-2-6-2, #2 of 2
ACT/007/004, Folder #8
Carbon County, Utah

Dear Mr. Cook:

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violation. Violation M84-2-5-1 was issued on April 2, 1984, and Violation N84-2-6-2 was issued on April 5, 1984. Both of these violations were issued by Division Inspector, Sandy Pruitt. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information, which was submitted by you or your agent within 15 days of receipt of this notice of violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Mr. Lorin Nielson, Assessment Officer, at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will be considered for the final assessment which were not available on the date of the proposed assessment, due to the length of the abatement period.

Sincerely,

Mary Ann Wright
Assessment Officer

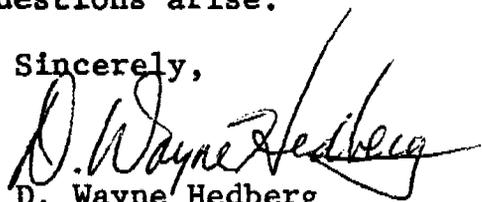
MAW/re

cc: J. Merriman, OSM Albuquerque Field Office

Page Two
Mr. Rob Wiley
June 19, 1984

The Division hereby approves the proposed cross section contained in the May 21, 1984 submittal. The proposed configuration must be implemented no later than August 31, 1984. Please call John Whitehead or myself should questions arise.

Sincerely,



D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

DWH/jw:btb

cc: Allen Klein, OSM, Denver
Robert Hagen, OSM, Albuquerque
Sandy Pruitt, DOGM
John Whitehead, DOGM
Joe Helfrich, DOGM

92940-1 & 2

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

COMPANY/MINE Price River Coal Co/Complex

NOV # N84-2-6-2*

PERMIT # ACT/007/004

VIOLATION 2 OF 2
 * # 1 of 2 was vacated 5-3-84

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 June 13, 1984 EFFECTIVE ONE YEAR DATE June 14, 1983

PREVIOUS VIOLATIONS	EFF. DATE	PTS	PREVIOUS VIOLATIONS	EFF. DATE	PTS
<u>N84-4-14-1</u>	<u>7-13-84</u>	<u>1</u>	<u>N84-2-2-7</u>	<u>proposed</u>	<u>5-25-84</u>
<u>N82-4-17-2</u>	<u>6-14-83</u>	<u>2</u>	<u>N84-2-5-1</u>	<u>proposed</u>	<u>6-12-84</u>
<u>N83-4-2-1</u>	<u>7-13-83</u>	<u>1</u>			
<u>N83-2-15-1</u>	<u>5-2-84</u>	<u>1</u>			
<u>N83-2-16-1</u>	<u>5-2-84</u>	<u>1</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

1. What is the event which the violated standard was designed to prevent? Damage to property, water pollution
2. 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, ponds are inadequately designed to contain runoff from 10 and 25 year events and occurrence of such precipitation events could result in flooding of mine facilities and pond 008 failure. Assessed at the low end of likely for probability of damage to property and water pollution occurring. It is difficult to predict occurrence of storm events, but described scenario is possible.

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 8

PROVIDE AN EXPLANATION OF POINTS Damage has not occurred but would extend off the permit area. Assessed down from the mid-point since at present, little actual damage has occurred.

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) 18

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 4

PROVIDE AN EXPLANATION OF POINTS Operator acknowledges in the permit application that pond designs are inadequate and provides for plans to adapt ponds. Plans not implemented by operator. Inspector's statement suggests operator was awaiting plan approval of designs.

