



0030  
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

May 28, 1984

P 402 457 311  
CERTIFIED RETURN RECEIPT REQUESTED

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

RE: Proposed Assessment for State  
Violation No. N84-2-2-7, #7 of 7  
ACT/007/004, Folder #8  
Carbon County, Utah

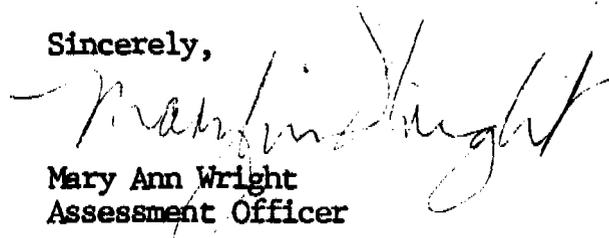
Dear Mr. Cook:

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. This violation was issued by Division Inspector, Sandy Pruitt on the March 1, 1984. 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

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

COMPANY/MINE Price River Coal Co./Complex1 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

1. What is the event which the violated standard was designed to prevent? 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 "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) 22

**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.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO  
-EASY ABATEMENT

## Easy Abatement Situation

Immediate Compliance -11 to -20\*  
(Immediately following the issuance of the NOV)  
Rapid Compliance -1 to -10\*  
(Permittee used diligence to abate the violation)  
Normal Compliance 0  
(Operator complied within the abatement period required)

\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

## Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
(Permittee used diligence to abate the violation)  
Normal Compliance -1 to -10\*  
(Operator complied within the abatement period required)  
Extended Compliance 0  
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS -2

PROVIDE AN EXPLANATION OF POINTS Operator was given two weeks to abate NOV on March 15, 1984. NOV was terminated March 13, 1984. Points are assigned at the low end of rapid compliance.

V. ASSESSMENT SUMMARY FOR N84-2-2-7, #1 of 7

I. TOTAL HISTORY POINTS	<u>6</u>
II. TOTAL SERIOUSNESS POINTS	<u>22</u>
III. TOTAL NEGLIGENCE POINTS	<u>12</u>
IV. TOTAL GOOD FAITH POINTS	<u>-2</u>

TOTAL ASSESSED POINTS 38

TOTAL ASSESSED FINE \$ 560.00

ASSESSMENT DATE May 25, 1984 ASSESSMENT OFFICER Mary Ann Wright

X INITIAL ASSESSMENT

FINAL ASSESSMENT

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 2 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  
 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 12

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, diversion ditch was blocked or filled in several places. At shallow and blocked points of the ditch ponding had occurred. During heavy runoff, the blocked ditch would not be likely to be able to conduct the flow. The overflow from the ditch would likely flow along the railroad tracks and into the Price River. Erosion along the track bed and water pollution/additional sedimentation to the River could occur.

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 No damage had occurred at time of NOV. Limited damage would extend offsite, according to inspector's statement. Erosion and sedimentation of disturbed areas (the plant yard and railroad line) would occur.

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 Greater degree of fault.

ASSIGN NEGLIGENCE POINTS 24

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, a verbal, documented request to reestablish the ditch to design criteria by the next inspection was made during a November, 1983 inspection. NOV assessed as knowing conduct.



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 3 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 May 25, 1984 EFFECTIVE ONE YEAR DATE May 24, 1983

PREVIOUS VIOLATIONS	EFF. DATE	PTS	PREVIOUS VIOLATIONS	EFF. DATE	PTS
<u>82-4-14-1</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  
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? 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 12

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, stream channel diversions which were blocked with snow, waste and coal could easily conduct the coal sediment downstream with the occurrence of a precipitation event. Assessed as likely since spring runoff would be likely to wash coal and waste fines directly down to flowing waters of the Price River.

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 Little damage had occurred at time of the NOV. Damage would extend offsite since the affected area was a stream channel diversion leading offsite. If snow coal and waste were not retrieved until snow melt, some water pollution would occur. Abatement deadline extended twice to allow enough snowmelt to occur for removal of snow, waste and coal.

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) 22

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 Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 26

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, two documented inspections concerning snow removal management took place prior to this NOV. Assessed upward from midpoint for knowing and intentional conduct by the operator.



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 4 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 May 25, 1984 EFFECTIVE ONE YEAR DATE May 24, 1983

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  
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 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 5

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, the blocked sediment pond inlets would be unlikely to result in offsite flow due to the existence of additional sediment ponds downhill from the blocked pond.

3. Would or did the damage or impact remain within the exploration or permit area? Yes

	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 2

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, potential for damage would be likely to be confined to overflow into and flooding of the mine yard. Potential damage is assessed down from the mid-point.

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) 7

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 3

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, operator knew of blocked inlets, created by sediment pond maintenance operations, and contended they were newly blocked and had not yet been reestablished. Assessed as a lack of diglignce and down from the mid-point.



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 5 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 \_\_\_\_\_ EFFECTIVE ONE YEAR DATE \_\_\_\_\_

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? Hindrance

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? \_\_\_\_\_
- 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 \_\_\_\_\_

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

3. Would or did the damage or impact remain within the exploration or permit area? \_\_\_\_\_

	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 \_\_\_\_\_

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

**B. Hindrance Violations MAX 25 PTS**

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

	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 5

PROVIDE AN EXPLANATION OF POINTS Ponds not certified, potentially obstructed inspector from knowing if ponds were built to required specifications.

Assessed down from the mid point since this hindrance did not prevent inspection of entire operation but for a significant part of it.

TOTAL SERIOUSNESS POINTS (A or B) 5

**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 14

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, an undocumented request to have ponds certified was made at NOV., 1983 inspection. Assessed as negligence upward from the midpoint.



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 6 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 May 25, 1984 EFFECTIVE ONE YEAR DATE May 24, 1983

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? Hindrance

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? \_\_\_\_\_
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 \_\_\_\_\_

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

3. Would or did the damage or impact remain within the exploration or permit area? \_\_\_\_\_

	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 \_\_\_\_\_

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

**B. Hindrance Violations MAX 25 PTS**

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

	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 3

PROVIDE AN EXPLANATION OF POINTS Surface water monitoring not complete for 1983-84 winter months. Assessed downward since inspection of entire operation was not hindered. Per inspector's statement, the lack of water quality data was not considered to be a very serious hindrance.

TOTAL SERIOUSNESS POINTS (A or B) 3

**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 Per inspector's statement, operator assumed approval of their proposed water monitoring plan submitted to OSM. Negligence assessed down from midpoint.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO  
-EASY ABATEMENT

Easy Abatement Situation

Immediate Compliance -11 to -20\*  
(Immediately following the issuance of the NOV)  
Rapid Compliance -1 to -10\*  
(Permittee used diligence to abate the violation)  
Normal Compliance 0  
(Operator complied within the abatement period required)

\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
(Permittee used diligence to abate the violation)  
Normal Compliance -1 to -10\*  
(Operator complied within the abatement period required)  
Extended Compliance 0  
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

EASY OR DIFFICULT ABATEMENT? Difficult ASSIGN GOOD FAITH POINTS -15

PROVIDE AN EXPLANATION OF POINTS Water samples had to be obtained no later than March 15, 1984. Water was sampled March 7, 1984. Inspector's statement considers as easy, but is considered difficult since operator procured services of offsite consultant. Operator used diligence.

V. ASSESSMENT SUMMARY FOR N84-2-2-7, # 6 of 7

I. TOTAL HISTORY POINTS	<u>6</u>
II. TOTAL SERIOUSNESS POINTS	<u>3</u>
III. TOTAL NEGLIGENCE POINTS	<u>4</u>
IV. TOTAL GOOD FAITH POINTS	<u>-15</u>

TOTAL ASSESSED POINTS -2

TOTAL ASSESSED FINE \$ -0-

*Mary Ann Wright*

ASSESSMENT DATE May 25, 1984 ASSESSMENT OFFICER Mary Ann Wright

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 7 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 May 25, 1984 EFFECTIVE ONE YEAR DATE May 24, 1983

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 \_\_\_\_\_

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/Environmental harm/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, sedimentation could occur from carriage of the sloughage in the stream diversion from runoff flows. Failure of the sediment pond bank could occur because there is insufficient support at the toe of the embankment. Assessed at low end of likely for probability of above listed events occurring.

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 has not occurred but would extend off permit area since sloughage from pond construction into the stream diversion has already occurred. Per inspector's statement, dam failure may occur. Assessed down from midpoint since actual damage is low.

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 Operator should have completed pond to specifications much prior to inspection. Assessed as a lack of reasonable care and diligence (upward from the midpoint) in allowing situation to prevail.

