



0044
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

April 2, 1984

P 396 996 742
REGISTERED RETURN RECEIPT REQUESTED

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

RE: Finalized Assessment for
State Violation No. N83-2-15-1
and N 83-2-16-1
ACT/007/004, Folder No. 8
Emery County, Utah County,

Dear Mr. Cook:

The civil penalty for the Violation No. N83-2-15-1 and N83-2-16-1 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
Conference Officer

LPN:re

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty

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

NOV/CO No. N83-2-16-1

Location of Conference: Division of Oil, Gas and Mining, Salt Lake City, Utah

Date of Conference: March 28, 1984

Company Name/Mine Name: Price River Coal Company/Hardscrabble Canyon

Persons in Attendance

Representing

Lorin P. Nielsen
Sandy Pruitt
Joe Helfrich
Rob Wiley
Barbara Roberts

Acting Assessment Conference Officer
Division of Oil, Gas and Mining
Division of Oil, Gas and Mining
Price River Coal Company
Assistant Attorney General

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>N83-2-16-1</u>	<u>\$ 120.00</u>
<u> </u>	<u> </u>
<u> </u>	<u>\$ 120.00</u>

Approved: *Lorin P. Nielsen*
 (Signature of Conference Officer)

Date: April 2, 1984

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. N83-2-16-1Violation 1 of 1(a) Nature of violation: Failure to separate and maintain water treatment facilities to control water pollution(b) Date of termination: December 21, 1983

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	<u>6</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>17</u>	<u>17</u>
Extent of Damage	<u>7</u>	<u>4</u>
(2) Obstr. to Enforcement	<u> </u>	<u> </u>
(c) Negligence	<u>12</u>	<u>0</u>
(d) Good Faith	<u> </u>	<u>-15</u>
(e) Acreage	<u> </u>	<u> </u>
TOTAL	<u>42</u>	<u>12</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 Points: Points affirmedSeriousnessProbability of Occurrence: The event is deemed to have occurred. No reason stated why points should be changed. Judgement within range allowable. Points affirmed.Extent of Damage: Minor damage within permit area. Soapy water from bath house soaked into ground of ephemeral stream within 30 feet of discharge. Nearest perennial stream is 4 miles away. Under these conditions, extent of damage points as proposed assessment are excessively high. Reduce to 4.Negligence: Operator following 11-2-83 inspection and before 11-17-83 process of purchasing tank to abate situation. Thus negligence is not appropriate in this instance. Reduce to 0Good Faith: Operator did not have resources at hand to achieve compliance, thus difficult situation. Operator used diligence in abating as abated 2 weeks before deadline and in difficult weather conditions. Rapid compliance award - 15 points for good faith.

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

NOV/CO No. N83-2-15-1

Location of Conference: Division Of Oil, Gas, and Mining, Salt Lake City, Ut.

Date of Conference: March 28, 1984

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

Persons in Attendance

Representing

Lorin P. Nielsen
Sandy Pruitt
Joe Helfrich
Rob Wiley
Barbara Roberts

Acting Assessment Conference Officer
Division of Oil, Gas and Mining
Division of Oil, Gas and Mining
Price River Coal Company
Assistant Attorney General

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>N83-2-15-1</u>	<u>\$ 540.00</u>
<u> </u>	<u> </u>
<u>TOTAL DUE</u>	<u>\$ 540.00</u>

Approved: *Lorin P. Nielsen*
 (Signature of Conference Officer)

Date: April 2, 1984

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. N83-2-15-1

Violation 1 of 1

(a) Nature of violation: Failure to maintain appropriate sediment control measures to prevent additional contributions of sediment to stream flows as to runoff outside the permit area.

(b) Date of termination: November 8, 1983

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	<u>6</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u>12</u>
Extent of Damage	<u>16</u>	<u>16</u>
(2) Obstr. to Enforcement	<u> </u>	<u> </u>
(c) Negligence	<u>12</u>	<u>12</u>
(d) Good Faith	<u>- 5</u>	<u>- 9</u>
(e) Acreage	<u> </u>	<u> </u>
TOTAL	<u>41</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: Points affirmed

Seriousness:

Probability: Event deemed likely to occur based on information presented by Inspector and operator. Proposed assessment reasonable in situation. Points affirmed.

Extent of Damage: Potential damage would extend ^{at} the permit area. Mid point of range appears reasonable. Points affirmed.

Negligence: Normal routine inspection and reasonable care would have revealed problems at 3 of 5 areas in question. 1 of 5 was known and abatement delayed due to other work. The other admitted as lack of diligence. Thus negligence points appear reasonable. Affirmed.

Good Faith: All equipment and personnel used to abate were on-site thus easy abatement situation. Compliance was rapid within 4 days. Points changed to -9.