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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

March 20, 1985

*ACT/007/004
#8
[Signature]*

TO: Terri Reid, Accounting Technician
FROM: Ronald W. Daniels, Associate Director, Mining
RE: Refunds to Price River Coal Company for NOV's N83-2-15-1
and N84-2-5-1

This memorandum is to request that you refund, in the amounts shown below plus interest, monies which were escrowed prior to Board Hearing by Price River Coal Company. If you need additional background on the authorization to make these refunds, please find attached a Stipulation, Motion and Order relative to each violation. Very briefly, the action directed by the Board's Stipulation, Motion and Order for each cause is as follows:

NOV N83-2-15-1
Docket No. 84-041
Cause No. ACT/007/004
Order Dated August 27, 1984

1. Add an additional six (6) points for good faith.
2. Refund \$120.00 to Price River Coal Company.

NOV N84-2-5-1
Docket No. 84-068
Cause No. ACT/007/004
Order Dated November 27, 1984

1. Vacate the violation and the penalty.
2. Refund the civil penalty of \$240.00.

Please make the refunds, with interest, to Price River Coal Company as soon as your schedule allows. Once you have made the

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Memorandum - Terri Reid
March 20, 1985

refunds, please notify Rosemary Elorreaga so that she can be sure to make the appropriate data entries in the assessment program data base.

Let me know if you have any questions.

jb
Attachments (2)
cc: B. W. Roberts
R. M. Elorreaga
J. C. Helfrich
Catalog #8, Main File
NOV File

0203Q

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF Utah

In the Matter of the)
Petition of Price River)
Coal Company for Review and)
Hearing on Notice of)
Violation No. N83-2-15-1)
_____)

STIPULATION, MOTION AND ORDER
OF DISMISSAL

Docket No. 84-041
Cause No. ACT/007/004

STIPULATION AND MOTION

On June 18, 1984, this matter came on for pre-hearing conference before Gregory ^{P.} Williams, Chairman of the Utah Board of Oil, Gas and Mining ("Board"). H. Michael Keller appeared as counsel for Petitioner Price River Coal Company and Barbara W. Roberts appeared as counsel on behalf of the Utah Attorney General and the Board and Division of Oil, Gas and Mining. In furtherance of said conference, the parties, by and through their respective counsel, stipulate and agree as follows:

1. That Notice of Violation No. N83-2-15-1 ("Notice") cited a single violation of UMC 817.45 pertaining to three of Petitioner's mine sites--Sowbelly Gulch, Hardscrabble Canyon and Castlegate--within Petitioner's Mine Complex.
2. That the Notice required certain remedial action be taken by Petitioner to abate the violation within eight days after issuance of the Notice.

3. That Petitioner completed the required remedial action within five days after issuance of the Notice, through the use of machinery and equipment which had to be transported from other sites within Petitioner's Mine Complex to the mine sites cited in the Notice.

4. That following an Assessment Conference, 37 penalty points were assigned to the violation resulting in a civil monetary assessment of \$540.00, which amount Petitioner escrowed with the Division within thirty days after Petitioner's receipt of the Assessment Conference Officer's Report.

5. That on April 20, 1984, Petitioner timely filed with the Board a Petition for Review and Hearing pursuant to UMC 845.19(a) for contesting assessment of civil monetary penalties.

6. That the assessed monetary penalty was based in part on a deduction of 9 points for Petitioner's good faith in achieving rapid compliance in what was found by the assessment officer to be an "easy" abatement situation.

7. That the required remedial action, in fact, involved a "difficult" abatement situation within the meaning of UMC 845.13(b)(4) because the resources necessary to abate the violation were neither "on-site" nor "at hand" within the meaning of said regulation, but were located at sites other

than the mine sites where the abatement was required and had to be transported between the various mine sites to achieve compliance.

8. That an additional 6 points be deducted for Petitioner's good faith in achieving rapid compliance in a difficult abatement situation in accordance with UMC 845.13(b)(4).

9. That the civil monetary penalty assessed for the Notice be reduced to \$420.00 and that the sum of \$120.00 be remitted to Petitioner out of the originally escrowed amount of \$540.00.

10. That subject to the foregoing reduction in the amount of the civil monetary penalty, the Petition contesting the Notice be dismissed.

11. That the undersigned hereby move the Board to enter an Order in conformance with this Stipulation.

DATED this 27 day of August, 1984.

VAN COTT, BAGLEY, CORNWALL & McCARTHY

By


H. Michael Keller

Attorneys for Petitioner

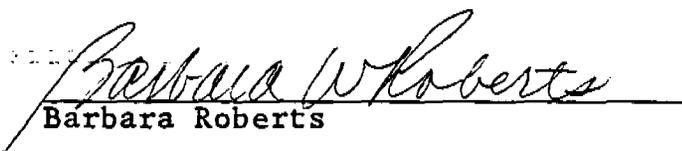
P. O. Box 3400

50 South Main Street, Suite 1600

Salt Lake City, Utah 84110-3400

Telephone: (801) 532-3333

ASSISTANT ATTORNEY GENERAL


Barbara Roberts

ORDER

The Board having considered the foregoing Stipulation and Motion and good cause appearing for granting the Motion in accordance with said Stipulation, it is hereby ORDERED:

1. That the remedial action required for Notice of Violation No. N83-2-15-1 involved a difficult abatement situation within the meaning of UMC 845.13(b)(4), because the resources necessary to abate the violation were neither on-site nor at hand within the meaning of said regulation.

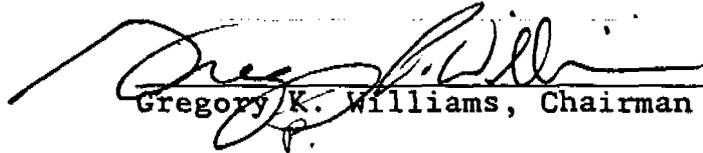
2. That an additional 6 points be deducted from the civil monetary assessment for Petitioner's good faith in achieving rapid compliance in a difficult abatement situation in accordance with UMC 845.13(b)(4).

3. That the civil monetary penalty assessed for said Notice in the amount of \$540.00 be reduced to \$420.00 and that the sum of \$120.00 be remitted to Petitioner out of the originally escrowed amount. Agreement for Petitioner

4. That the Petition of Price River Coal Company for Review and Hearing on Notice of Violation No. N83-2-15-1 be and is hereby dismissed.

DATED this 27th day of August, 1984.

UTAH BOARD OF OIL, GAS AND MINING



Gregory K. Williams, Chairman

5120K

BEFORE THE BOARD OF OIL, GAS AND MINING
NATURAL RESOURCES DEPARTMENT
IN AND FOR THE STATE OF UTAH

In the Matter of the Petition)
of Price River Coal Company) STIPULATION, MOTION AND ORDER
for Review and Hearing on)
Notice of Violation No.) Docket No. 84-068
N84-2-5-1) Cause No. ACT/007/004
_____)

STIPULATION AND MOTION

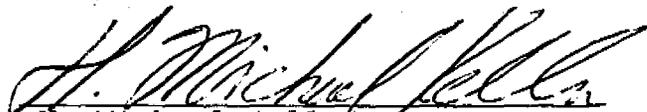
Petitioner, by and through its undersigned attorneys,
and the State of Utah, by and through its undersigned Assistant
Attorney General, hereby stipulate and agree and move the Board
of Oil, Gas and Mining for an Order in the form attached hereto
that:

1. Notice of Violation No. N84-2-5-1 and the civil
penalty assessed in connection therewith be vacated, on the
basis of the decision in Island Creek Coal Co., 3 IBSMA 383,
397-401, 88 I.D. 1122, 1130 (1981).
2. That the Petition be dismissed; and
3. That the amount of \$240.00, representing the
civil monetary penalty which Petitioner deposited with the
Division under cover letter dated September 14, 1984, be
remitted to Petitioner upon the effective date of the Board's
Order herein.

DATED this 9 day of November, 1984.

VAN COTT, BAGLEY, CORNWALL & McCARTHY

By:



H. Michael Keller
Attorneys for Petitioner
P. O. Box 3400
50 South Main Street, Suite 1600
Salt Lake City, Utah 84110-3400
Telephone: (801) 532-3333

STATE OF UTAH

By:



Barbara W. Roberts
Assistant Attorney General

ORDER

The Board of Oil, Gas and Mining having reviewed the Stipulation and Motion of counsel for the respective parties herein, and having reviewed Notice of Violation No. N84-2-5-1 and the proposed assessment issued in connection therewith, and good cause appearing for granting said motion,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED,

1. That Notice of Violation No. N84-2-5-1 and the civil monetary penalty assessed in connection therewith, be, and the same are hereby vacated;

2. That upon such grounds, the Petition be, and the same is hereby dismissed; and

3. That the sum of \$240.00, which Petitioner escrowed with the Division, be remitted to Petitioner, plus allowable interest, immediately upon the date of execution of this Order; and

4. That this Order shall become effective upon the date hereinbelow written.

DATED this 27th day of November, 1984.

BOARD OF OIL, GAS AND MINING

By:


Chairman Gregory P. Williams