

0004

File



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

December 23, 1985

CERTIFIED RETURN RECEIPT REQUESTED
P 592 431 923

Mr. Kenneth B. Hutchinson
Chief Engineer
Price River Coal Company
P. O. Box 629
Helper, Utah 84526

Dear Mr. Hutchinson:

RE: Finalized Assessment for State Violation No. N85-8-13-2,
ACT/007/004, Folder #8, Carbon County, Utah

The civil penalty for the above referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts which were not available on the date of the proposed assessment, due to the length of the abatement period.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must have escrowed the assessed civil penalty 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 this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division and mail % Jan Brown at the address.

Thank you for your cooperation.

Sincerely,

Barbara W. Roberts
Barbara W. Roberts
Assessment Officer

re

cc: Donna Griffin, OSM Albuquerque Field Office
9099Q

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

COMPANY/MINE Price River Coal Company NOV # N85-8-13-2
 PERMIT # ACT/007/004 VIOLATION 1 OF 2

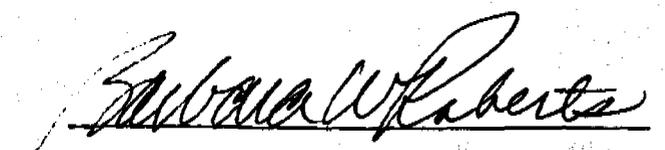
Nature of violation: _____

Date of termination: November 06, 1985

	Proposed Assessment	Final Assessment
(1) History/Prev. Vio.	<u>5</u>	<u>5</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>15</u>	<u>7</u>
Extent of Damage	<u>8</u>	<u>8</u>
(b) Hindrance to Enforcement	<u>-</u>	<u>-</u>
(3) Negligence	<u>4</u>	<u>4</u>
(4) Good Faith	<u>0</u>	<u>0</u>
TOTAL	<u>37</u>	<u>24</u>
	TOTAL ASSESSED FINE	\$ <u>280</u>

3. Narrative:
 (Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Due to extreme precipitation events the sedimentation ponds failed. The failure is not the subject of this violation, but whether proper approvals were acquired prior to reconstruction. Construction approvals are required to assure compliance with performance standards and, in this case, to ensure the stability of the ponds being constructed. The inspector's concern was with safety and stability. Therefore, the probability of occurrence is decreased due to DOGM approval of the plans used in constructing the ponds.


 Assessment Officer Barbara W. Roberts

Assessment Date 12-13-85

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

COMPANY/MINE Price River Coal Company

NOV # N85-8-13-2

PERMIT # ACT/007/004

VIOLATION 2 OF 2

Nature of violation: _____

Date of termination: _____

August 30, 1985

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>5</u>	<u>5</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>10</u>	<u>10</u>
Extent of Damage	<u>12</u>	<u>8</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>8</u>	<u>4</u>
(4) Good Faith	<u>- 12</u>	<u>- 12</u>
TOTAL	<u>23</u>	<u>15</u>
	TOTAL ASSESSED FINE	<u>\$ 150</u>

3. Narrative:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Impact of action less than originally estimated. Negligence decreased due to difficult construction in narrow canyon with heavy equipment.

for Dianne R. Nelson

 Assessment Officer Barbara W. Roberts

Assessment Date 12-13-85
 0109Q