

0003



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

*File*  
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

September 11, 1987

CERTIFIED RETURN RECEIPT REQUESTED  
P 001 771 196

Mr. Mel Coonrod  
Blackhawk Mining Company  
P. O. 358  
Elmo, Utah 84521

Dear Mr. Coonrod:

Re: Proposed Assessment for State Violation No. N87-18-1-1,  
INA/007/002, Folder #5, Carbon, County, Utah

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, David Darby on August 7, 1987. 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 fifteen (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. (Submit a request for a conference to Ms. Vicki Bailey, at the above address.)

IF A TIMELY REQUEST IS NOT MADE, THE PROPOSED PENALTY(IES)  
WILL BECOME FINAL, AND THE PENALTY(IES) WILL BE DUE AND PAYABLE  
WITHIN THIRTY (30) DAYS OF THE PROPOSED ASSESSMENT. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

*Joseph C. Helfrich*  
for Joseph C. Helfrich  
Assessment Officer

re

Enclosure

cc: John C. Kathmann, OSM, AFO

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

COMPANY/MINE Price River Coal Co./Willow Creek NOV # 87-18-1-1

PERMIT # INA/007/002 VIOLATION 1 OF 1

ASSESSMENT DATE 09-07-87 ASSESSMENT OFFICER Joseph C. Helfrich

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 09-07-87 EFFECTIVE ONE YEAR DATE 09-07-86

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>C86-4-11-1</u>	<u>1-17-87</u>	<u>1</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>N87-17-22-1</u>	<u>7-30-87</u>	<u>1</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>					
<u>                    </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 2

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? Erosion/offsite contribution of additional suspended solids
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE
None	0
Insignificant	1-4
Unlikely	5-9
Likely	10-14
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS

Inspector statement indicates that erosion of the embankment at the inlet and outlet of the access road cross culvert in addition to sediment loading of the culvert.



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)

EASY OR DIFFICULT ABATEMENT? easy ASSIGN GOOD FAITH POINTS 20

PROVIDE AN EXPLANATION OF POINTS

Compliance achieved within 24 hours of service of the violation.

V.	<u>ASSESSMENT SUMMARY FOR</u>	<u>N87-18-1-1</u>
	I. TOTAL HISTORY POINTS	<u>2</u>
	II. TOTAL SERIOUSNESS POINTS	<u>20</u>
	III. TOTAL NEGLIGENCE POINTS	<u>4</u>
	IV. TOTAL GOOD FAITH POINTS	<u>-20</u>
	TOTAL ASSESSED POINTS	<u>6</u>
	TOTAL ASSESSED FINE	<u>\$ 60.</u>