



0030

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

January 11, 1988

CERTIFIED RETURN RECEIPT REQUESTED  
P 001 717 780

Mr. Richard Allison  
Castle Gate Coal Company  
P. O. Box 449  
Helper, Utah 84526

Dear Mr. Allison:

Re: Finalized Assessment for State Violation No. N87-18-2-1,  
ACT/007/004, Folder #5, 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 including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

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 thirty (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, mail % Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,  
*Barbara W. Roberts*  
Barbara W. Roberts  
Assessment Conference Officer

re  
cc: John C. Kathmann, OSM AFO

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

COMPANY/MINE Castlegate/Castlegate Prep Plant NOV # N87-18-2-1

PERMIT # ACT/007/004 VIOLATION 1 OF 1

Assessment Date 12-29-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to maintain support facilities to contain coal fines from leaving the disturbed area and entering the adajacent stream.

Date of termination: 9-17-87

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>4</u>	<u>4</u>
(b) Hindrance to Enforcement	<u>          </u>	<u>          </u>
(3) Negligence	<u>9</u>	<u>3</u>
(4) Good Faith	<u>- 5</u>	<u>- 11</u>
 TOTAL	 <u>28</u>	 <u>16</u>
	TOTAL ASSESSED FINE	<u>\$ 160</u>

3. Narrative:

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

Negligence points reduced for the reason that, although operators are encouraged and expected to inspect the permitted premises, evidence was inconclusive as to how long the leak had been occurring. Further evidence indicated that the operator had inspected the tube prior to resuming use after a period of disuse and found no indication of a problem. Good Faith points increased due to acceptance of a revised abatement date which was earlier than that supporting the proposed good faith award.