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State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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Outgoing  
OK

November 20, 2001

Dan Meadors  
Canyon Fuel Company, LLC  
HC 35 Box 380  
Helper, Utah 84526

RE: Good Faith Points for Violation Abatement Plan, Canyon Fuel Company, LLC., Skyline Mine, C/007/005-N01-39-1-1, Outgoing and Compliance File

Dear Mr. Meadors:

The abatement plan for Violation N01-39-1-1 was approved as submitted on November 9, 2001. Due to the fact that this abatement plan was approved on its initial application, two (2) good faith points are awarded. Therefore, the fine is now \$500 (see attached). I discussed the proposed good faith points with Chris Hansen of your staff prior to the payment date and the payment of the fine has been extended to 30 days from the date of this re-assessment letter on December 20, 2001.

If you have any questions, please feel free to call me at (801) 538-5268.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig  
Assessment Officer

sd  
Enclosure  
cc Vickie Southwick  
Price Field Office  
O:\007005.SKY\Compliance\ASSESMNT\N01-39-1-1ltr#2goodfaith.doc

**WORKSHEET FOR ASSESSMENT OF PENALTIES  
DIVISION OF OIL, GAS & MINING**

COMPANY / MINE Canyon Fuel Company, LLC / Skyline Mine PERMIT C/007/005  
NOV / CO # N01-39-1-1 VIOLATION 1 of 1

ASSESSMENT DATE Revised November 9, 2001 (Good Faith Points Awarded)

ASSESSMENT OFFICER Pamela Grubaugh-Littig

**I. HISTORY (Max. 25 pts.)**

A. Are there previous violations, which are not pending or vacated, which fall one (1) year of today's date?

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
_____	_____	_____
_____	_____	_____

1 point for each past violation, up to one (1) year  
5 points for each past violation in a CO, up to one (1) year  
No pending notices shall be counted

**TOTAL HISTORY POINTS 0**

**II. SERIOUSNESS (Either A or B)**

NOTE: For assignment of points in Parts II and III, the following apply:

1. Based on facts supplied by the inspector, the Assessment Officer will determine within each category where the violation falls.
2. Beginning at the mid-point of the category, the Assessment Officer 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 VIOLATION (Max 45 pts.)

1. What is the event which the violated standard was designed to prevent?

***\*\*\*Additional contribution of suspended solids outside the permit area.***

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

**PROVIDE AN EXPLANATION OF POINTS:**

***\*\*\*The violation was written because the underground mine pumping system discharged coal fines (suspended solids) into Eccles Creek outside the permit area, additional contribution of suspended solids outside the permit area. The permittee took water samples at 9:30 am and at 2:30 pm on August 28, 2001, the date of the event. The sample taken at 9:30 am exceeded the daily total suspended solids limits of 70 mg/L, i.e. the analysis for total suspended solids was 171 mg/L (or over twice the daily limit.)***

3. What is the extent of actual or potential damage? RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 8

**PROVIDE AN EXPLANATION OF POINTS:**

***\*\*\*There is potential damage to the macro invertebrates. As part of the abatement for this violation, the permittee will perform a macro invertebrate study of Eccles Creek semi-annually for three consecutive years starting in 2002.***

B. HINDRANCE VIOLATION (Max 25 pts.)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement? \_\_\_\_\_  
RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS \_\_\_\_\_

**PROVIDE AN EXPLANATION OF POINTS:**

TOTAL SERIOUSNESS POINTS ( A or B ) 28

**III. NEGLIGENCE (Max 30 pts.)**

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE; or, was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE 7

ASSIGN NEGLIGENCE POINTS 12

**PROVIDE AN EXPLANATION OF POINTS:**

***\*\*\*The permittee was discharging water into Eccles Creek with newly installed de-watering pumps and pipelines without monitoring devices attached. These monitoring devices would have reduced or eliminated the chance of this event occurring, and would have reduced or eliminated the chances of suspended solids from entering Eccles Creek. There were no safeguards to the de-watering system, which would have prevented this event from happening.***

**IV. GOOD FAITH (Max 20 pts.)**

(Either A or B)

(Does not apply to violations requiring no abatement measures)

- 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)  
(Operator complied with condition and/or terms of approved Mining and Reclamation Plan)

\*Assign in upper of lower half of range depending on abatement occurring the 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

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 of the plan submitted for abatement was incomplete)  
(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? Easy

ASSIGN GOOD FAITH POINTS -5

PROVIDE AN EXPLANATION OF POINTS:

***\*\*\*The permittee notified the Division within 24 hours of this event, although sooner would have been better for sampling and monitoring the situation from the Division's perspective. When the permittee learned that coal fines were being pumped from the mine into Eccles Creek, they immediately stopped this activity and sought to remediate the situation.***

***\*\*\*The permittee submitted a plan to be incorporated into the MRP, which was approved on November 9, 2001. This plan will prevent additional contribution of suspended solids outside the permit area and perform a macro invertebrate study on Eccles Creek semi-annually for three consecutive years, starting in the year 2002 which will provide data that can be compared to prior data. Two good faith points are awarded, effective November 9, 2001. The plan must be implemented within 30 days of approval. More good faith points may be awarded upon implementation.***

V. ASSESSMENT SUMMARY

NOTICE OF VIOLATION #	<u>N01-39-1-1</u>
I. TOTAL HISTORY POINTS	<u>0</u>
II. TOTAL SERIOUSNESS POINTS	<u>28</u>
III. TOTAL NEGLIGENCE POINTS	<u>12</u>
IV. TOTAL GOOD FAITH POINTS	<u>-5</u>
TOTAL ASSESSED POINTS	<u>35</u>
TOTAL ASSESSED FINE	<u>\$ 500</u>