

0017

ACT/007/006

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Governor



OIL, GAS, AND MINING BOARD

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NATURAL RESOURCES

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DIVISION OF OIL, GAS, AND MINING
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Director

October 21, 1981

#4697129

CERTIFIED - RETURN RECEIPT REQUESTED

Mr. Mel Coonrod
Environmental Coordinator
Plateau Mining Company
P.O. Drawer PMC
Price, Utah 84501

RE: Proposed Assessment for
State Violation No. N81-4-3-1

Dear Mr. Coonrod:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector David Lof on September 29, 1981.

The Board of Oil, Gas and Mining has empowered me to act as Assessment Officer and to conduct informal conferences on violations and assessments. This assessment has been computed by me using Rule HMC/SMC/345.2 et seq.

You may or may not request that the Division establish an assessment conference at this time. If no conference is requested by you within 30 days of your receipt of this letter the violation will be reassessed considering available facts and you will be required to pay the civil penalty as reassessed.

Should you decide to request an assessment conference you must do so in writing within 30 days of your receipt of this letter. Please specify in your request what the nature of your contest to the violation will include. For your ease in responding I have classified those contests as follows:

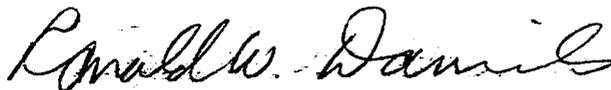
1. A contest of the amount of the assessment and not the fact of the violation(s) having occurred.
2. A contest of the facts of whether the violation(s) occurred.

Mr. Mel Coonrod
October 21, 1981
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This classification has been made to enable the Division time to arrange for a court reporter to establish a record of the proceedings in contests of the facts of the violation.

My decision resulting from the assessment conference may be appealed to the Board in a more formal proceeding.

Sincerely,



RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te/te

ASSESSMENT WORKSHEET

NOV# N81-4-3-1

PERMIT# ACT/007/006

Name of Company Plateau Mining Company

Violation # 1 of 1

POINTS

1. History of previous violations _____
 2. Seriousness (either A or B) 13

A. (1) Probability of occurrence 12
 (2) Extent of potential or actual damage 16

B. Obstruction to enforcement -

Total Seriousness 28

3. Negligence 8

4. Good Faith (Will be considered after complete information is received) -

TOTAL POINTS 49

ASSESSMENT \$ 960.00

~~Violation # of of~~

~~POINTS~~

~~1. History of previous violations~~
~~2. Seriousness (either A or B)~~

~~A. (1) Probability of occurrence~~
~~(2) Extent of potential or actual damage~~

~~B. Obstruction to enforcement~~

~~Total Seriousness~~

~~3. Negligence~~

~~4. Good Faith (Will be considered after complete information is received)~~

~~TOTAL POINTS~~

~~ASSESSMENT \$~~

ASSESSMENT EXPLANATION

NOV# N81-4-3-1

PERMIT# ACT/007/006

Name of Company Plateau Mining Company

Violation # 1 of 1

History of previous violations: N80-1-1-10 = 10 points, N81-2-3-3 = 3 points,
N81-1-1-2 = 1 point. Total History = 13 points.

Seriousness: (either A or B)

A. ~~(1) Probability of occurrence:~~

~~The violation, failure to place and store noncoal waste in a manner which would prevent degradation of surface runoff and failure to pass surface runoff through a pond is deemed likely to result in water pollution from sediment and noncoal waste 12 points.~~

(2) ~~Extent of actual or potential damage:~~

Damage would extend outside the permit area. 16 points.

B. ~~Obstruction to enforcement:~~

~~Negligence: ORDINARY NEGLIGENCE~~

~~8 points.~~

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED