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STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

*John*  
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

March 7, 1986

CERTIFIED RETURN RECEIPT REQUESTED  
P 001 720 562

Mr. Douglas C. Pearce  
Kaiser Coal Corporation  
P O Box D  
Sunnyside, Utah 84539

Dear Mr. Pearce:

RE: Finalized Assessment for State Violations No.'s N85-4-1-4, N85-4-4-2, N85-4-10-1, N85-4-11-1, N85-4-2-1, ACT/007/007, Folder #8, Carbon County, Utah

The civil penalties for the above referenced violations have been finalized. These assessments have been finalized as a result of a review of all pertinent data and facts which were not available on the date of the proposed assessments, 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 penalties 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, these assessed civil penalties 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 listed above.

Thank you for your cooperation.

Sincerely,

*Barbara W. Roberts*

Barbara W. Roberts  
Assessment Conference 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 KAISER/SUNNYSIDE

NOV #N85-4-1-4

PERMIT # ACT/007/007

VIOLATION 1 of 4

Nature of violation: Failure to mine in accordance with  
 an approved interim mine plan.

Date of termination: 1-24-85

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>1</u>	<u>--</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>          </u>	<u>          </u>
Extent of Damage	<u>          </u>	<u>          </u>
(b) Hindrance to Enforcement	<u>15</u>	<u>--</u>
(3) Negligence	<u>16</u>	<u>--</u>
(4) Good Faith	<u>-1</u>	<u>--</u>
TOTAL	<u>31</u>	<u>--</u>
TOTAL ASSESSED FINE		<u>\$ -0-</u>

3. Narrative:

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

*Barbara W. Roberts*

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts

Civil penalty vacated due to length of time elapsed between issuance of the violation and issuance of the proposed assessment. (See UMC 845.17(b), 1982.)

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

COMPANY/MINE KAISER/SUNNYSIDE

NOV #N85-4-1-4

PERMIT # ACT/007/007

VIOLATION 2 OF 4

Nature of violation: \_\_\_\_\_  
 \_\_\_\_\_

Date of termination: 01-24-85

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>1</u>	<u>--</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>6</u>	<u>--</u>
Extent of Damage	<u>11</u>	<u>--</u>
(b) Hindrance to Enforcement	<u>          </u>	<u>--</u>
(3) Negligence	<u>17</u>	<u>--</u>
(4) Good Faith	<u>-1</u>	<u>--</u>
TOTAL	<u>34</u>	<u>--</u>
	TOTAL ASSESSED FINE	\$ <u>-0-</u>

3. Narrative:

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

*Barbara W Roberts*

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts

Civil penalty vacated. See #1 of 4 for explanation.

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

COMPANY/MINE KAISER/SUNNYSIDE

NOV # N85-4-1-4

PERMIT # ACT/007/007

VIOLATION 3 of 4

Nature of violation: Failure to conduct weekly sediment pond and impoundment inspections.

Date of termination: 1/12/85

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>1</u>	<u>--</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>          </u>	<u>          </u>
Extent of Damage	<u>          </u>	<u>          </u>
(b) Hindrance to Enforcement	<u>3</u>	<u>--</u>
(3) Negligence	<u>8</u>	<u>--</u>
(4) Good Faith	<u>0</u>	<u>--</u>
TOTAL	<u>12</u>	<u>--</u>
TOTAL ASSESSED FINE		\$ <u>0</u>

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

*Barbara W. Roberts*

Assessment Date 2/13/86      Assessment Officer Barbara W. Roberts

Civil penalty vacated. See #1 of 4 for explanation.

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

COMPANY/MINE KAISER/SUNNYSIDE

NOV #N85-4-1-4

PERMIT # ACT/007/007

VIOLATION 4 of 4

Nature of violation: Failure to conduct inspections  
of coal processing waste banks.

Date of termination: 2-12-85

	<u>Proposed</u> <u>Assessment</u>	<u>Final</u> <u>Assessment</u>
(1) History/Prev. Vio.	<u>1</u>	<u>--</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>          </u>	<u>--</u>
Extent of Damage	<u>          </u>	<u>--</u>
(b) Hindrance to Enforcement	<u>15</u>	<u>--</u>
(3) Negligence	<u>10</u>	<u>--</u>
(4) Good Faith	<u>0</u>	<u>--</u>
TOTAL	<u>26</u>	<u>--</u>
	TOTAL ASSESSED FINE	\$ <u>-0-</u>

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

*Barbara W. Roberts*

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts

Civil penalty vacated. See #1 of 4 for explanation.

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

COMPANY/MINE KSISER/SUNNYSIDE

NOV #N85-4-4-2

PERMIT # ACT/007/007

VIOLATION 1 OF 2

Nature of violation: Failure to pass all surface drainage from the disturbed area through a sediment pond or treatment facility before leaving permit area

Date of termination: 3-8-85

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>1</u>	<u>--</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>19</u>	<u>--</u>
Extent of Damage	<u>18</u>	<u>--</u>
(b) Hindrance to Enforcement	<u>          </u>	<u>--</u>
(3) Negligence	<u>9</u>	<u>--</u>
(4) Good Faith	<u>0</u>	<u>--</u>
TOTAL	<u>47</u>	<u>--</u>
TOTAL ASSESSED FINE		<u>\$ -0-</u>

3. Narrative:

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

*Barbara W. Roberts*

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts

Civil penalty vacated due to length of time elapsed between issuance of the violation and issuance of the proposed assessment. (See UMC 845.17(b), 1982.)

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

COMPANY/MINE KAISER/SUNNYSIDE

NOV #N85-4-4-2

PERMIT # \_\_\_\_\_

VIOLATION 2 OF 2

Nature of violation: Failure to pass runoff through sediment pond; failure to maintain sediment control structures

Date of termination: 2-22-856

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>1</u>	<u>--</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>7</u>	<u>--</u>
Extent of Damage	<u>15</u>	<u>--</u>
(b) Hindrance to Enforcement	<u>        </u>	<u>--</u>
(3) Negligence	<u>6</u>	<u>--</u>
(4) Good Faith	<u>0</u>	<u>--</u>
 TOTAL	 <u>29</u>	 <u>--</u>
	TOTAL ASSESSED FINE	\$ <u>-0-</u>

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

*Barbara W. Roberts*

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts  
 Civil penalty vacated. See #1 of 2 for explanation.

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

COMPANY/MINE KAISER/SUNNYSIDE

NOV #N85-4-10-1

PERMIT # ACT/007/007

VIOLATION 1 OF 1

Nature of violation: Failure to mine in accordance with permit

Date of termination: 7-1-85

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>1</u>	<u>--</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>15</u>	<u>--</u>
Extent of Damage	<u>9</u>	<u>--</u>
(b) Hindrance to Enforcement	<u></u>	<u>--</u>
(3) Negligence	<u>17</u>	<u>--</u>
(4) Good Faith	<u>0</u>	<u>--</u>
TOTAL	<u>42</u>	<u>--</u>
TOTAL ASSESSED FINE		\$ <u>-0-</u>

3. Narrative:

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

*Barbara W. Roberts*

Assessment Date 2-13-86      Assessment Officer Barbara W. Roberts

Civil penalty vacated due to length of time elapsed between issuance of the violation and issuance of the proposed assessment. (See UMC 845.17(b), 1982.)

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

COMPANY/MINE KAISER/SUNNYSIDE NOV # N85-4-11-1

PERMIT # ACT/007/007 VIOLATION 1 of 1

Nature of violation: Failure to maintain water facilities as approved.

Date of termination: 4-4-85

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>1</u>	<u>--</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>0</u>	<u>--</u>
Extent of Damage	<u>8</u>	<u>--</u>
(b) Hindrance to Enforcement	<u></u>	<u></u>
(3) Negligence	<u>6</u>	<u>--</u>
(4) Good Faith	<u>0</u>	<u>--</u>
TOTAL	<u>15</u>	<u>--</u>
TOTAL ASSESSED FINE		<u>\$ -0-</u>

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

*Barbara W. Roberts*

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts  
Civil penalty vacated due to length of time elapsed between issuance of the violation and issuance of the proposed penalty. (See UMC 845.17(b), 1982.)

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

COMPANY/MINE KAISER/SUNNYSIDE

NOV # C85-4-2-1

PERMIT # ACT/007/007

VIOLATION 1 of 1

Nature of violation: Failure to abate N85-4-4-2(2 of 2)

Date of termination: 3-22-85

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

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

*Barbara W. Roberts*

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts

Cessation Order vacated since order was issued subsequent to actual abatement of the underlying violation.