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DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

June 22, 2016

Certified Return Receipt Requested
9590 9402 1201 5246 2589 41

Elliot Finley, Resident Agent
Hiawatha Coal Company
P O Box 1240
Huntington, Utah 84528

Subject: Reassessment for State Notice of Violation, NOV #21169, Hiawatha Coal Company, Hiawatha Mine, Carbon County, Utah

Dear Mr. Finley:

The above referenced violation was issued by Division Inspector, Amanda Daniels, on March 30, 2016. The violation was for failure to submit the 3rd quarter, 2015 water monitoring data. A proposed assessment was completed for the violation and sent to you on May 3, 2016, which assigned 12 points as the penalty. Our records indicate that you received the proposed assessment on May 20, 2016. A request for an informal conference was made and additional information was submitted to the Division on June 9, 2016. The information you submitted was reviewed and taken into account in providing this reassessment. In your letter you indicated that the violation had been abated prior to it even being served. This would qualify as immediate compliance and 12 good faith points are awarded. The good faith points will cancel out the 12 negligence points so there will be 0 points assessed. This means there is no penalty associated with NOV #21169. Please see the following analysis of the penalty.

NOV #21169—

Seriousness—No event or damage occurred as a result of the violation and no points were assessed under this category for either the proposed or the reassessment.

Negligence—The proposed assessment was originally assigned as Negligence. This would indicate lack of diligence. This is considered to be ordinary negligence. Points were assessed at 12 and remain at 12 for the reassessment.

Good Faith— While no good faith points were allowed in the proposed assessment, you indicate that the violation was abated prior to the violation being served. This is considered to be immediate compliance and qualifies for 12 points of good faith.

	Proposed Assessment	Reassessment
History	0	0
Seriousness		
Event		
Damage		
Hindrance		
Negligence	12	12
Good Faith	0	-12
Total	12	0
Penalty	\$264	\$0

During our phone conversation held on June 21, 2016, you indicated that the informal conference would not be necessary if there was no penalty assessed. Since the penalty has been reduced to 0, we will not be scheduling an informal conference. Please call me if you have any questions.

Sincerely,



Daron R. Haddock
Assessment Officer