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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor
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Executive Director
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Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

October 25, 1988

CERTIFIED RETURN RECEIPT REQUESTED
P 001 717 621

Mr. William P. Balaz, Manager
Kaiser Coal Corporation
P. O. Box 10
Sunnyside, Utah 84539

Dear Mr. Balaz:

Re: Finalized Assessment for State Violation No. N88-17-2-1,
ACT/007/012, 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 c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Alan S. Bachman
Assessment Conference Officer

jb
cc: John C. Kathmann, OSM, AFO
MN24/5
an equal opportunity employer

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

COMPANY/MINE Kaiser Coal Company

NOV # N88-17-2-1

PERMIT # ACT/007/012

VIOLATION 1 OF 1

Assessment Date May 9, 1988

Assessment Officer Alan S. Bachman

Nature of Violation: Improper monitoring of vegetation test plots

Date of Termination: September 6, 1988

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>4</u>	<u>2</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>0</u>	<u>0</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u>10</u>	<u>10</u>
(3) Negligence	<u>10</u>	<u>3</u>
(4) Good Faith	<u>0</u>	<u>10</u>
TOTAL	<u>24</u>	<u>5</u>
TOTAL ASSESSED FINE		<u>\$ 50.00</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 should be lowered because though there was negligence upon the part of the operator as being responsible for its independent contractor, there was also a communication failure that both parties are responsible for. Good faith points should be given because the operator did seek compliance upon understanding the nature of the NOV.

History points reduced to two as N-88-22-1-1 and N-88-26-9-1 applied to different mine sites.

jb
MN34/1