



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

*File*

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

February 8, 1988

CERTIFIED RETURN RECEIPT REQUESTED  
P 001 717 721

Mr. Charles McGlothlin  
Kaiser Coal Corporation  
P. O. Box 10  
Sunnyside, Utah 84539

Dear Mr. McGlothlin:

Re: Finalized Assessment for State Violation No. N87-17-5-1,  
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 % Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

*Barbara W. Roberts*

Barbara W. Roberts  
Assessment Conference Officer

re  
cc: John C. Kathmann, OSM AFO

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

COMPANY/MINE Kaiser Coal Company NOV # N87-17-5-1  
 PERMIT # ACT/007/012 VIOLATION 1 OF 1  
 Assessment Date 2-1-88 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to pass disturbed area runoff through treatment facility before leaving the permit area, and failure to maintain sediment control structures.

Date of termination: 1-8-88

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>1</u>	<u>1</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>6</u>
Extent of Damage	<u>19</u>	<u>6</u>
(b) Hindrance to Enforcement	<u>          </u>	<u>          </u>
(3) Negligence	<u>8</u>	<u>5</u>
(4) Good Faith	<u>0</u>	<u>-8</u>
TOTAL	<u>48</u>	<u>10</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.)

Final assessment based upon the event of water pollution and the impact of gullyng upon the revegetation potential. Probability of occurrence points reduced to reflect the finding that the sediment laden runoff was unlikely to have entered a perennial stream. The extent of damage points are brought in line with the finding that the eroded material was fill, not topsoil, and was not a significant loss. Negligence points are reduced for the reason that the gullyng probably occurred in the short period before the subject inspection, but this category is maintained to reflect the operator's obligation to inspect the entire site at frequent and regular intervals. Good Faith points awarded for a difficult abatement situation, normal compliance.