

0011



Norman H. Bangertter  
Governor  
Dee C. Hansen  
Executive Director  
Dianne R. Nielson, Ph.D.  
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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

June 29, 1989

CERTIFIED RETURN RECEIPT REQUESTED  
P 075 063 166

Mr. John Palfy  
Kaiser Coal Corporation  
P.O. Box 1107  
Raton, New Mexico 87740

Dear Mr. Palfy:

Re: Finalized Assessment for State Violation No. N89-27-3-1, INA/007/012, Folder #5,  
Carbon County, Utah

The civil penalty for the above-referenced violation has been finalized. Please note that no fine has been assessed. 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. Failure to comply with this requirement will result in a waiver of your right of further recourse.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Barbara W. Roberts".  
Barbara W. Roberts  
Assessment Conference Officer

jb  
cc: John C. Kathmann, OSM, AFO  
MN37/19

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

COMPANY/MINE Kaiser/Wellington

NOV # 89-27-3-1

PERMIT # INA/007/012

VIOLATION 1 OF 1

Assessment Date 6/28/89

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to conduct water monitoring in accordance with the approved plan.

Date of Termination: 2/23/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>-</u>	<u>-</u>
Extent of Damage	<u>-</u>	<u>-</u>
(b) Hindrance to Enforcement	<u>20</u>	<u>20</u>
(3) Negligence	<u>20</u>	<u>0</u>
(4) Good Faith	<u>- 0</u>	<u>- 0</u>
TOTAL	<u>40</u>	<u>20</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.)

Parties acknowledge that lab was in error in failing to report missing data. Therefore, and since Kaiser was in Chapter 11 and without adequate personnel to monitor for such errors, negligence points vacated. No civil penalty assessed.