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Norman H. Bangerter
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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

April 16, 1990

CERTIFIED RETURN RECEIPT REQUESTED
P 074 978 665

Mr. Allen Childs
Genwal Coal Company, Incorporated
P. O. Box 1201
Huntington, Utah 84528

Dear Mr. Childs:

Re: Proposed Assessment for State Violation No. N90-27-3-1, ACT/007/012, Folder #5, Carbon County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violation. This violation was issued by Division Inspector, Harold Sandbeck on March 14, 1990. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of this Notice of Violation has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. The detailed brief should indicate the specific objections to the proposed assessment, stating the grounds for objection and what your assignment of points would be. (Submit a request for conference to Vicki Bailey, at the above address. Please reference Permit and NOV #).

If a timely request is not made, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

Joseph C. Helfrich
Assessment Officer

jb
Enclosure
MN36/41

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

COMPANY/MINE Genwal Coal Co/Wellington Prep Plant NOV #90-27-3-1

PERMIT # ACT/007/012 VIOLATION 1 OF 1

ASSESSMENT DATE 4/16/90 ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 4/16/90 EFFECTIVE ONE YEAR TO DATE 4/16/89

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS

1 point for each past violation, up to one year
5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 0

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Hindrance

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent?
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS

3. What is the extent of actual or potential damage?

RANGE 0-25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS_____

PROVIDE AN EXPLANATION OF POINTS

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? Actual

RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS 15

PROVIDE AN EXPLANATION OF POINTS

Failing to monitor oil and grease and solids during 3rd quarter of '89 Station SW-1 would actually hinder the inspector and/or DOMG staff from evaluating any potential environmental impacts as a result of mining; thus 15 points assigned.

TOTAL SERIOUSNESS POINTS (A OR B) 15

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Ordinary Negligence

ASSIGN NEGLIGENCE POINTS 5

PROVIDE AN EXPLANATION OF POINTS

Lack of diligence with respect to compliance with DOMG regulations.

HYDROLOGY AND SEDIMENTOLOGY MANUAL

Prepared for

Office of Surface Mining, Region V

Denver, Colorado

Contract No: J7000584

Technical Project Officer: John Nadolski

BY

J.F. SATO AND ASSOCIATES
Ginger K. Sunday
James F. Sato
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SIMONS, LI & ASSOCIATES, INC.
Kenneth G. Eggert
Ruh-Ming Li
James D. Schall
Mark R. Peterson
Wen-Sheng Liang

SHEPHERD WATER GEOLOGISTS
Russell G. Shepherd

Table 2.16. Runoff Curve Numbers (CN) for Hydrologic Soil - Cover Complexes[1]

Land use or cover	Treatment or practice[4]	Hydrologic condition for infiltrating	Hydrologic soil group A	B	C	D
I. Agricultural Use (from USBR, 1977)						
Fallow	SR		77	86	91	94
Row crops	SR	Poor	72	81	88	91
	SR	Good	67	78	85	89
	C	Poor	70	79	84	88
	C	Good	65	75	82	86
	C&T	Poor	66	74	80	82
	C&T	Good	62	71	78	81
Small grain	SR	Poor	65	76	84	88
	SR	Good	63	75	83	87
	C	Poor	63	74	82	85
	C	Good	61	73	81	84
	C&T	Poor	61	72	79	82
	C&T	Good	59	70	78	81
Close-seeded legumes[2] or rotation meadow.	SR	Poor	66	77	85	89
	SR	Good	58	72	81	85
	C	Poor	64	75	83	85
	C	Good	55	69	78	83
	C&T	Poor	63	73	80	83
	C&T	Good	51	67	76	80
Pasture or range		Poor	68	79	86	89
		Fair	49	69	79	84
		Good	39	61	74	80
	C	Poor	47	67	81	88
	C	Fair	25	59	75	83
	C	Good	6	35	70	79
Meadow (permanent)		do	30	58	71	78
Woods (farm woodlots)		Poor	45	66	77	83
		Fair	36	60	73	79
		Good	25	55	70	77
Farmsteads			59	74	82	86
Roads (dirt)[3] (hard surface)[3]			72	82	87	89
			74	84	90	92
II. Surface Mine Use (OSM, 1981)						
Surface facilities						
Paved			98	98	98	98
Gravel			76	85	89	91
Dirt			72	82	87	89
Disturbed area (active mining)			72	81	88	91
Reclaimed spoil (with vegetated cover)			39-72	61-81	74-88	80-91

Notes:
1. These CN values are for antecedent moisture condition II (AMC-II). To find the proper CN for AMC-III or AMC-I, use the CN from this table in Table.
2. Close-drilled or broad cast.
3. Including right-of-way.

ESTIMATED RETURN PERIODS FOR SHORT DURATION PRECIPITATION
(inches)

Station: Price
Latitude: 39° 37'

Elevation: 5680
Longitude: 110° 50'

RETURN PERIOD (years)	DURATION 5 Min	10 Min	15 Min	30 Min	1 Hr	2 Hr	3 Hr	6 Hr	12 Hr	24 Hr
1	.08	.13	.17	.23	.29	.37	.44	.62	.78	.95
2	.12	.18	.23	.32	.40	.49	.58	.80	1.00	1.20
5	.16	.25	.32	.44	.56	.68	.79	1.07	1.32	1.58
10	.20	.31	.39	.54	.68	.81	.94	1.25	1.53	1.82
25	.24	.37	.47	.65	.82	.98	1.13	1.50	1.83	2.18
50	.28	.43	.54	.75	.95	1.12	1.29	1.71	2.08	2.47
100	.31	.49	.62	.85	1.08	1.27	1.45	1.91	2.32	2.74

Station: Promontory Point (Saline)
Latitude: 41° 13'

Elevation: 4230
Longitude: 112° 29'

RETURN PERIOD (years)	DURATION 5 Min	10 Min	15 Min	30 Min	1 Hr	2 Hr	3 Hr	6 Hr	12 Hr	24 Hr
1	.16	.24	.31	.43	.54	.57	.60	.68	.75	.82
2	.18	.27	.35	.48	.61	.67	.72	.85	.97	1.09
5	.21	.32	.40	.56	.71	.80	.89	1.11	1.31	1.51
10	.22	.34	.43	.60	.76	.88	.99	1.28	1.53	1.80
25	.26	.40	.50	.70	.88	1.03	1.17	1.53	1.85	2.18
50	.27	.42	.53	.73	.93	1.11	1.28	1.71	2.09	2.49
100	.29	.45	.57	.79	1.00	1.21	1.41	1.90	2.34	2.80

CIVIL SOFTWARE DESIGN

SEDCAD+ Version 3.0

WELLINGTON REFUSE OUTSLOPES

by

Name: mrc

Company Name: Office of Surface Mining - TIPS
File Name: C:\SEDCAD3\JUNK

Date: 09-07-1990

Civil Software Design -- SEDCAD+ Version 3.0

Company Name: Office of Surface Mining - TIPS
Filename: C:\SEDCAD3\JUNK User: mrc
Date: 09-07-1990 Time: 08:41:15
WELLINGTON REFUSE OUTSLOPES
Storm: 1.91 inches, 100 year- 6 hour, SCS 6 Hour
Hydrograph Convolution Interval: 0.1 hr

SUBWATERSHED/STRUCTURE INPUT/OUTPUT TABLE

-Hydrology-

JBS	SWS	Area (ac)	CN	UHS	Tc (hrs)	K (hrs)	X	Base-Flow (cfs)	Runoff Volume (ac-ft)	Peak Discharge (cfs)
111	1	0.96	41	M	0.050	0.000	0.000	0.0	0.00	0.00
	Type: Null Label: WELLINTON REFUSE OUTSLOPES									
111	Structure	0.96							0.00	
111	Total IN/OUT	0.96							0.00	0.00

```
:Project Title          = WELLINGTON REFUSE OUTSLOPES                          :
:WATERSHED HYDROGRAPH                                                          :
:      Inflow into structure #  1                                              :
: -    Structure type:         Null                                            :
:                                                                              :
:                                                                              :
:-- Watershed data for watershed # 1                                           :
:    Curve number           =    41.0                                          :
:    Area                   =     1.0 acres                                    :
:    Hydraulic length       =    0.00 feet                                     :
:    Elevation change       =     0.0 feet.                                    :
:    Concentration time     =    0.05 hours                                    :
:    Unit hydrograph type = Disturbed                                          :
:                                                                              :
:-- Total Area             =     1.0 acres                                     :
:                                                                              :
:-- Storm data                                                                 :
:    Total precipitation    =     1.9 inches                                   :
:    Storm type             = SCS 6 hour design storm                          :
:    Peak Discharge         =    0.00 cfs                                      :
:    Discharge volume       =    0.00 acre ft                                  :
:                                                                              :
: <press return to continue or {esc} to skip detail printout>                  :
SDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDDD=
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FROM: "STORM" (G. MacIntosh, OSM, TIPS)

INPUT SUMMARY
FOR W.S.: WELLINGTON REFUSE OUTSLOPES

STORM:		WATERSHED:	
DISTRIBUTION =	SCS TYPE 'B'	LAND SLOPE =	0.0000 PCT
		CURVE NUMBER =	41.00
PRECIP.DEPTH =	1.91 IN	CHANNEL LENGTH =	0.00 FT
		TIME OF CONC. =	0.0500 HR
DURATION =	6.00 HR	AREA =	0.96 AC
NUMBER OF LINES =	915	D =	0.0067 HR

FROM: "PEAK" (Hawkins, Marshall)

"PEAK"

WELLINGTON REFUSE OUTSLOPES

1

RUNOFF DEPTH = 0.0000 IN
INITIAL ABSTRACTION = 2.8780 IN
PEAK FLOW = 0.00 CFS-(0.0000 IPH)
AT T = 6.10 HRS

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0 TIME (Hrs.) 7

OUTPUT SUMMARY

RUNOFF DEPTH = 0.0000 IN
INITIAL ABSTRACTION = 2.8780 IN
PEAK FLOW = 0.00 CFS (0.0000 IPH)
AT T = 6.10 HRS