

0035

File



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

January 16, 1985

REGISTERED RETURN RECEIPT REQUESTED  
P 402 457 347

Mr. Tom Paluso, Chief Engineer  
Soldier Creek Coal Company  
P. O. Box I  
Price, Utah 84501

Dear Mr. Paluso:

RE: Finalized Assessment for State Violation No. N83-6-11-1,  
ACT/007/018, Folder #8, Carbon County, Utah

The civil penalty for the violation No. N83-6-11-1 has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ron Daniels'.

Ronald W. Daniels  
Acting Assessment Officer

re

cc: Donna Griffin, OSM Albuquerque  
Joe Helfrich  
Barbara Roberts  
03900

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

COMPANY/MINE Soldier Creek Coal Company NOV # N83-6-11-1

PERMIT # ACT/007/018 VIOLATION 1 OF 1

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 1-11-84 EFFECTIVE ONE YEAR DATE 1-10-83

PREVIOUS VIOLATIONS	EFF. DATE	PTS	PREVIOUS VIOLATIONS	EFF. DATE	PTS
<u>N82-5-1-5</u>	<u>2-24-83</u>	<u>5</u>	<u></u>	<u></u>	<u></u>
<u>N83-5-4-1</u>	<u>5-24-83</u>	<u>1</u>	<u></u>	<u></u>	<u></u>

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 6

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

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 17

PROVIDE AN EXPLANATION OF POINTS Environmental harm occurred

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*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 16

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_  
 \_\_\_\_\_

B. Hindrance Violations      MAX 25 PTS

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

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

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

ASSIGN HINDRANCE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

TOTAL SERIOUSNESS POINTS (A or B) 33

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.

	0	MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater negligence than ordinary

ASSIGN NEGLIGENCE POINTS 23

PROVIDE AN EXPLANATION OF POINTS Material was deposited off the mine site knowingly.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO  
 -EASY ABATEMENT

Easy Abatement Situation  
 Immediate Compliance -11 to -20\*  
 (Immediately following the issuance of the NOV)  
 Rapid Compliance -1 to -10\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance 0  
 (Operator complied within the abatement period required)

\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO -  
 DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation  
 Rapid Compliance -11 to -20\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance -1 to -10\*  
 (Operator complied within the abatement period required)  
 Extended Compliance 0  
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? N.A. ASSIGN GOOD FAITH POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

V. ASSESSMENT SUMMARY FOR N83-6-11-1

I. TOTAL HISTORY POINTS	<u>6</u>
II. TOTAL SERIOUSNESS POINTS	<u>33</u>
III. TOTAL NEGLIGENCE POINTS	<u>23</u>
IV. TOTAL GOOD FAITH POINTS	<u>-</u>
 TOTAL ASSESSED POINTS	 <u>62</u>
 TOTAL ASSESSED FINE	 <u>\$1540.</u>

ASSESSMENT DATE 1-14-85 ASSESSMENT OFFICER Ronald W. Daniels *RWD*

\_\_\_\_\_PROPOSED ASSESSMENT X \_\_\_\_\_FINAL ASSESSMENT