

0029



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

#5

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

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

May 31, 1991

CERTIFIED RETURN RECEIPT REQUESTED
P 074 979 074

Mr. Rick Olsen, President
Soldier Creek Coal Company
P.O. Box I
Price, Utah 84501

Dear Mr. Olsen:

Re: Finalized Assessment for State Violation #N91-37-1-3 1/3,
Soldier Creek Coal Company, Soldier Canyon Mine,
ACT/007/018, 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 escrow 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,

A handwritten signature in cursive script, appearing to read "Alan Bachman".

Alan Bachman
Assessment Conference Officer

jbe
Enclosure
cc: John C. Kathmann, OSM, AFO

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

COMPANY/MINE Soldier Creek Coal/Soldier Canyon NOV #N91-37-1-3

PERMIT # ACT/007/018 VIOLATION 1 of 3

Assessment Date 5/29/91 Assessment Officer Alan Bachman

Nature of Violation: Activity occurred outside disturbed area previously identified to DOGM.

Date of Termination: 4/01/91

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>2</u>	<u>2</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>8</u>	<u>2</u>
(b) Hindrance to Enforcement	<u>0</u>	<u>0</u>
(3) Negligence	<u>10</u>	<u>10</u>
(4) Good Faith	<u>-0</u>	<u>-10</u>
Total Points	<u>40</u>	<u>24</u>
TOTAL ASSESSED FINE		<u>\$ 280.00</u>

NARRATIVE:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Evidence at hearing indicated that damage was minimal, thus warranting a reduction in damage points. Also, evidence indicated that it was a difficult abatement situation and that the full extent of "normal compliance" occurred with the operator diligently pursuing the new map submittal.

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Mr. Rick Olsen, President
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P.O. Box I
Price, Utah 84501

Dear Mr. Olsen:

Re: Finalized Assessment for State Violation #N91-37-1-3 2/3,
Soldier Creek Coal Company, Soldier Canyon Mine,
ACT/007/018, 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.

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Thank you for your cooperation.

Sincerely,

Alan Bachman
Assessment Conference Officer

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Enclosure

cc: John C. Kathmann, OSM, AFO

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

COMPANY/MINE Soldier Creek Coal/Soldier Canyon NOV #N91-37-1-3

PERMIT # ACT/007/018 VIOLATION 2 of 3

Assessment Date 5/29/91 Assessment Officer Alan Bachman

Nature of Violation: Conducting waste rock site activity without DOGM approval.

Date of Termination: 3/1/91

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>2</u>	<u>2</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>8</u>	<u>6</u>
(b) Hindrance to Enforcement	<u>0</u>	<u>0</u>
(3) Negligence	<u>22</u>	<u>9</u>
(4) Good Faith	<u>-15</u>	<u>-15</u>
Total Points	<u>37</u>	<u>22</u>
TOTAL ASSESSED FINE		<u>\$ 240.00</u>

NARRATIVE:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Evidence at hearing warranted a minor adjustment of damage points. Negligence points were reduced based upon presentation of operator at hearing (and demeanor) which indicated that violation did not occur "knowingly" but rather through ordinary negligence.

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Dear Mr. Olsen:

Re: Finalized Assessment for State Violation #N91-37-1-3 3/3,
Soldier Creek Coal Company, Soldier Canyon Mine,
ACT/007/018, 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.

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UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE Soldier Creek Coal/Soldier Canyon NOV #N91-37-1-3

PERMIT # ACT/007/018 VIOLATION 3 of 3

Assessment Date 5/29/91 Assessment Officer Alan Bachman

Nature of Violation: Lack of identification on protection measures in regard to stockpiling of excavated material within disturbed area.

Date of Termination: 3/1/91

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>2</u>	<u>2</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u>0</u>	<u>0</u>
(3) Negligence	<u>20</u>	<u>8</u>
(4) Good Faith	<u>-12</u>	<u>-12</u>
Total Points	<u>30</u>	<u>18</u>
TOTAL ASSESSED FINE		<u>\$ 180.00</u>

NARRATIVE:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Evidence at hearing indicated that negligence was not as great.

jbe