



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor  
Kathleen Clarke  
Executive Director  
Lowell P. Braxton  
Division Director

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March 1, 2000

CERTIFIED RETURN RECEIPT  
P 074 978 545

Mike Glasson, Environmental Coordinator  
West Ridge Resources, Inc.  
P.O. Box 902  
Price, Utah 84501

Re: Proposed Assessment for State Cessation Order No. C2000-46-1-1, West Ridge Resources, West Ridge Mine ACT007/041, Compliance File

Dear Mr. Glasson:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed is the proposed civil penalty assessment for the above referenced CO (cessation order). This CO was issued by Division Inspector Peter H. Hess on February 7, 2000. Rule R645-401-600 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 CO has been considered in determining the facts surrounding this CO and the amount of this penalty.

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this CO, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.
2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within thirty (30) days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the assessment conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of the CO will stand. 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 Tiffini Moss.

Sincerely,

  
Pamela Grubaugh-Littig  
Permit Supervisor

sm  
Enclosure  
cc: James Fulton, OSM  
Tiffini Moss, DOGM  
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PS Form 3800, June 1985

Postmark or Date	Return Receipt showing to whom, to whom and Date of delivery	Restricted Delivery Fee	Special Delivery Fee	Certified Fee	Postage
	Date and Address of Delivery				
	TOTAL Postage and Fees				

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Street and No: PO Box 902  
P.O. State and ZIP Code: UT 84501

RECEIPT FOR CERTIFIED MAIL  
NO INSURANCE COVERAGE PROVIDED  
(See Reverse)

P 074

SN: 00-46-1-1 / DOGM 3-1-00

WORKSHEET FOR ASSESSMENT OF PENALTIES  
DIVISION OF OIL, GAS & MINING

COMPANY/ MINE West Ridge Resources, Inc., West Ridge Mine

CO # C2000-46-1-1

PERMIT ACT/007/041

ASSESSMENT DATE 2-18-2000

ASSESSMENT OFFICER Pamela Grubaugh-Littig

I. HISTORY (Max. 25 pts.)

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

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N99-46-1-1</u>	<u>8-9-99</u>	<u>1</u>

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

TOTAL HISTORY POINTS 1

II. SERIOUSNESS (Either A or B)

NOTE: For assignment of points in Parts II and III, the following apply:

1. Based on facts supplied by the inspector, the Assessment Officer will determine within each category the violation falls.
2. Beginning at the mid-point of the category, the Assessment Officer 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? A

A. EVENT VIOLATION (Max 45 pts.)

1. What is the event which the violated standard was designed to prevent?

Conducting coal mining reclamation operations outside the permit area.  
Environmental harm such as: water pollution, erosion, loss of topsoil,  
sediment deposition and public health and safety.

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

<u>PROBABILITY</u>	<u>RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

**ASSIGN PROBABILITY OF OCCURRENCE POINTS** 20

**PROVIDE AN EXPLANATION OF POINTS:**

The permittee conducted coal mining reclamation activities outside the approved permit area. The permittee locked a security gate to prevent public access on a public road, which was clearly defined in the initial permitting process.

3. What is the extent of 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** 5

**PROVIDE AN EXPLANATION OF POINTS:**

The public was impacted by denial of access on a public road.

B. HINDRANCE VIOLATION (Max 25 pts.)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement? \_\_\_\_\_  
RANGE 0-25

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

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

**PROVIDE AN EXPLANATION OF POINTS:**

**TOTAL SERIOUSNESS POINTS ( A OR B )** 25

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--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

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

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 25

**PROVIDE AN EXPLANATION OF POINTS:**

The permittee knew this activity would result in a cessation of operation, per letter dated December 15, 1999 from Pamela Grubaugh-Littig. (attached)

IV. GOOD FAITH (Max 20 pts.)

(Either A or B)

(Does not apply to violations requiring no abatement measures)

- 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)  
(Operator complied with condition and/or terms of approved Mining and Reclamation Plan)

\* Assign in upper of lower half of range depending on abatement occurring the 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

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 of the plan submitted for abatement was incomplete)  
(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? Easy

ASSIGN GOOD FAITH POINTS 0

**PROVIDE AN EXPLANATION OF POINTS:**

The permittee opened the gate as noted on February 7, 2000.

V. ASSESSMENT SUMMARY

NOTICE OF VIOLATION	C2000-46-1-1	
I.	TOTAL HISTORY POINTS	<u>1</u>
II.	TOTAL SERIOUSNESS POINTS	<u>25</u>
III.	TOTAL NEGLIGENCE POINTS	<u>25</u>
IV.	TOTAL GOOD FAITH POINTS	<u>0</u>
	TOTAL ASSESSED POINTS	<u>51</u>
	TOTAL ASSESSED FINE	<u>\$ 1,040.00</u>



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Michael O. Leavitt  
Governor

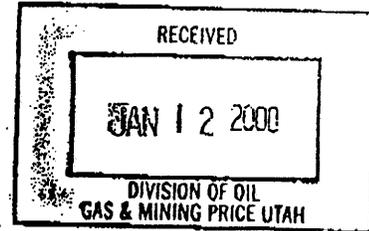
Kathleen Clarke  
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December 15, 1999

Mike Glasson, Environmental Coordinator  
Andalex Resources  
6150 Airport Road  
P. O. Box 902  
Price, Utah 84501



Re: Permitting of the C Canyon Road, West Ridge Mine, West Ridge Resources, Inc., ACT/007/041,  
Folder #2, Carbon County, Utah

Dear Mr. Glasson:

This letter is a follow-up to our telephone conversation yesterday with Mary Ann Wright and Daron Haddock. It has come to the attention of the Division that a gate has been erected below the West Ridge Mine permit area. Due to the fact that this gate would deny public access, the area from the gate to the boundary of the current mine permit area must be permitted.

A portion of a public road will be closed therefore, public notice and a hearing (if requested) must be held. The Division must make findings for closing public roads associated with mining activities prior to the approval of this permit change, and may revise its public roads finding for this mine because of this change.

Please be advised that the gate may not be closed by the mine until this permit change has been approved. If you have any questions, please call me.

Sincerely,

Pamela Grubaugh-Littig  
Permit Supervisor

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cc: Mary Ann Wright  
Daron Haddock  
Price Field Office

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