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**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Oil, Gas & Mining**

MICHAEL R. STYLER  
Executive Director

JOHN R. BAZA  
Division Director

Outgoing  
C0070041

#3595  
R

August 30, 2010

CERTIFIED RETURN RECEIPT  
7004 2510 0004 1824 9825

Dave Shaver  
West Ridge Resources, Inc.  
P. O. Box 910  
East Carbon, Utah 84520-0910

Subject: Proposed Assessment for State Violation No. 10063, West Ridge Resources, Inc., C/007/0041, Outgoing File

Dear Mr. Shaver:

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 cessation order. Division Inspector, Steve Christensen, issued the notice of violation on July 21, 2010. 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 Cessation Order has been considered in determining the facts surrounding the violation and the amount of 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 violation, you should file a written request for an Informal Conference within thirty (30) days of receipt of this letter. The Division Director will conduct this conference. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.

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Mr. Dave Shaver  
August 30, 2010

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 violation 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 Suzanne Steab.

Sincerely,



Joseph C. Helfrich  
Assessment Officer

Enclosure

cc: OSM Compliance Report  
Vicki Bailey, DOGM  
Suzanne Steab, DOGM  
Price Field Office

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***The event was water pollution that included the off site deposition of suspended solids and what appeared to be hydrocarbons from outfall 002.***

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:**

***\*\*\*According to the information provided in the inspector statement "The coal fine laden mine-water that was discharged to the C Canyon drainage has resulted in accumulations of the material within and directly adjacent to the C Canyon drainage channel".***

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 15**

**PROVIDE AN EXPLANATION OF POINTS:**

***\*\*\* According to the information provided in the inspector statement "Excessive amounts of coal-fine material were deposited within and adjacent to the C Canyon drainage. Coal fine material has already been observed off of the permit area. The C Canyon drainage is ephemeral in nature, however, it is prone to flash flood events that would effectively dislodge the coal fine material and transport it downstream. The C Canyon drainage is tributary to Grassy Trail Creek which reports to the Price River. The Price River flows into the Green River which ultimately intersects the Colorado River".***

**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 0**

**PROVIDE AN EXPLANATION OF POINTS:**

\*\*\*

**TOTAL SERIOUSNESS POINTS (A or B) 35**

**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 \_\_\_\_\_

**ASSIGN NEGLIGENCE POINTS 25**

**PROVIDE AN EXPLANATION OF POINTS:**

\*\*\* According to the information provided in the inspector statement, "In January of 2009, the Division issued a Notice of Violation (NOV #10033) for the same infraction. During the abatement of NOV #10033, the Permittee constructed four sub-catchments (A, C, E and F). The catchments were utilized to retain the coal fine material as it was physically removed from the channel and put into suspension where it could then flow downstream and collected for removal. A flocculant was utilized at the catchments in order to facilitate a more efficient removal of the coal fine material from the C Canyon drainage. Additionally, the Permittee reported to the Division that a re-routing of the underground mine water would occur and that the new configuration would provide for additional settling time of the coal fine material prior to it's discharge to the surface and the C Canyon drainage. A flocculant was utilized within the mine-works to facilitate additional settling of the material underground". At the time of the inspection the permittee could not provide information to the Division representatives that demonstrated that an under ground treatment system designed to prevent the deposition of coal fines and hydrocarbons at outfall 002 had been constructed.

**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

- X Immediate Compliance -11 to -20\*  
(Immediately following the issuance of the NOV)
- X Rapid Compliance -1 to -10  
(Permittee used diligence to abate the violation)
- X 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

- X Rapid Compliance -11 to -20\*  
(Permittee used diligence to abate the violation)
- X Normal Compliance -1 to -10\*  
(Operator complied within the abatement period required)
- X 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? \_\_\_\_\_

ASSIGN GOOD FAITH POINTS   0  

PROVIDE AN EXPLANATION OF POINTS:

\*\*\* According to the information provided in the inspector statement, "It did not appear that the Permittee had the necessary resources on site to achieve compliance. Based upon the excessive amount of coal fine material that was observed within the C Canyon drainage from UPDES Outfall 002 to Catchment E, it's evident that the material was not produced from an isolated event, but rather a chronic condition/practice at the mine site (specifically within the underground mine works). Additionally, based upon discussions with mine representatives, the re-routing of the underground mine water that was presented to the Division in February of 2009 (as a result of NOV #10033) was

*never completed. It was further reported that in the last year since the previous NOV (NOV #10033) was issued, there were instances where the Permittee failed to maintain adequate flocculant supplies on-site to ensure constant usage underground”.*

*Good faith points will be considered upon termination of the violation.*

**V. ASSESSMENT SUMMARY**

NOTICE OF VIOLATION # <b>CO 10063</b>	
I. TOTAL HISTORY POINTS	<u>0</u>
II. TOTAL SERIOUSNESS POINTS	<u>35</u>
III. TOTAL NEGLIGENCE POINTS	<u>25</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>
TOTAL ASSESSED POINTS	<u>60</u>
<b>TOTAL ASSESSED FINE</b>	<b><u>\$ 4,400</u></b>