

0038



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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

January 8, 1992

CERTIFIED RETURN RECEIPT REQUESTED
P 074 979 177

Mr. Lee Edmonson
CALMAT Company
Properties Division
1801 East University Drive
Phoenix, Arizona 85034

Dear Mr. Edmonson:

Re: Finalized Assessment for State Violation #N91-26-8-2, Hidden Valley Coal Company, Hidden Valley Mine, ACT/015/007, Folder #5, Emery 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 that reads "Ronald W. Daniels".

Ronald W. Daniels
Assessment Conference Officer

jbe

Enclosure

cc: Bernie Freeman, OSM, AFO

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

COMPANY/MINE CALMAT Company/Hidden Valley Mine

NOV #N91-26-8-2

PERMIT # ACT/015/007

VIOLATION 1 of 2

Assessment Date 1/7/92

Assessment Officer Ron Daniels

Nature of

Violation: Failure to maintain diversions to be stable. Failure to minimize erosion to the extent possible.

Date of Termination: Not yet terminated.

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>16</u>	<u>16</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>-0</u>	<u>-0</u>
Total Points	<u>44</u>	<u>44</u>
TOTAL ASSESSED FINE		<u>\$ 760.00</u>

NARRATIVE:

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

The permittee committed to submitting current and historic photos which show the area alleged to have been eroded by rills over a period of three months prior to NOV issuance. No photos were produced for consideration by the Assessment Conference Officer.

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

COMPANY/MINE CALMAT Company/Hidden Valley Mine

NOV #N91-26-8-2

PERMIT # ACT/015/007

VIOLATION 2 of 2

Assessment Date 1/7/92

Assessment Officer Ron Daniels

Nature of

Violation: Failure to clearly mark with perimeter marks all disturbed areas. Failure to seed and revegetate all disturbed areas.

Date of Termination: Not yet terminated.

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>0</u>	<u>0</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> </u>	<u> </u>
(3) Negligence	<u>13</u>	<u>13</u>
(4) Good Faith	<u>-0</u>	<u>-0</u>
Total Points	<u>33</u>	<u>33</u>
TOTAL ASSESSED FINE		<u>\$ 460.00</u>

NARRATIVE:

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

No additional information was presented to show that the final assessment should be different than the proposed assessment.