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SCOTT M. MATHESON
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON
Executive Director,
NATURAL RESOURCES

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS, AND MINING
1588 West North Temple
Salt Lake City, Utah 84116
(801) 533-5771

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Chairman

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Director

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E. STEELE McINTYRE

August 26, 1980

ACT / 015 / 009

REGISTERED - RETURN RECEIPT REQUESTED

Mr. Thomas Rice
General Manager
Trail Mountain Coal Co.
P.O. Box 370
Orangeville, Utah 84537

Dear Mr. Rice:

Enclosed please find a Notice of Intent to Fine and Order to Show Cause requesting a representative from Trail Mountain Coal Company to appear and show cause why the Board should not assess the fine therein proposed. Should your company choose not to appear, you will be assessed the fine as proposed.

For your information, the inspection memorandums detailing the violations listed in the proposed assessment are also enclosed. Please contact the Division as soon as possible if you have any questions with respect to this matter.

Sincerely,

JAMES W. SMITH, JR.
COORDINATOR OF MINED LAND DEVELOPMENT

JWS/te
Enclosures
cc: Dan Hanna

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
in and for the STATE OF UTAH

IN THE MATTER OF VIOLATIONS OF THE UTAH) COAL MINING AND RECLAMATION ACT, U.C.A.) 40-10-1, et. seq., AND RULES ADOPTED) THEREUNDER BY THE FETTEROLF GROUP'S) TRAIL MOUNTAIN MINE, SECTION 25,) TOWNSHIP 17 SOUTH, RANGE 8 EAST, EMERY) COUNTY, UTAH.)	NOTICE OF INTENT TO FINE/ ORDER TO SHOW CAUSE NO. ACT/015/009
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THE STATE OF UTAH TO THE OPERATORS OF THE TRAIL MOUNTAIN MINE AND ALL PERSONS INTERESTED IN SECTION 25, TOWNSHIP 17 SOUTH, RANGE 8 EAST, EMERY COUNTY, UTAH.

Notice is hereby given that the Board of Oil, Gas and Mining has found the operators of the Trail Mountain Mine to be conducting underground coal mining activities in violation of the Utah Coal Mining and Reclamation Act, Utah Code Annotated, 40-10-1 et. seq., and implementing rules and regulations proposes the following assessment of penalty points and fines pursuant to their authority under that Act:

I. Under Section 40-10-20(1), U.C.A., the Board proposes to assess the following fine:

POINT SYSTEM FOR VIOLATIONS ENCOUNTERED DURING JUNE 5, 1980 INSPECTION

MAXIMUM ALLOWABLE POINTS 30 30 25 -10

<u>AGENCY</u>	<u>VIOLATION #</u>	<u>HISTORY</u>	<u>SERIOUS- NESS</u>	<u>NEGLI- GENCE</u>	<u>GOOD- FAITH</u>	<u>TOTAL</u>	<u>FINE</u>
Fed.	#1-30 CFR 717.14(c)	-	24	15	-	39	\$1,900
State	MC 717.14(e)						
Fed.	#2-30 CFR 717.17	1	22	25	-	48	\$2,800
State	MC 717.17						
Fed.	#3-30 CFR 717.17(a)	2	27	25	-	54	\$3,400
State	MC 717.17(a)						
Fed.	#4-30 CFR 717.17(j)(2)(i)	-	27	20	-	47	\$2,700
State	MC 717.17(j)(1)						
Fed.	#5-30 CFR 717.17(j)(1)	2	25	25	-	52	\$3,200
State	MC 717.17(j)						

NOTICE OF INTENT TO FINE
ACT/015/009

State	#6-MC 717.11	1	16	20	-	37	\$1,700
State	#7-MC 717. 17(B)(1)(v)	1	16	20	-	37	\$1,700
State	#8-MC 717.20(b)	1	22	25	-	48	<u>\$2,800</u>
							TOTAL=\$20,200

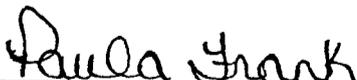
II. Under Section 40-10-20(8) of the Act, any operator who fails to correct a violation for which a citation has been issued under Subsection 40-10-20(1) within the period permitted for its correction shall be assessed a civil penalty of not less than \$750.00 for each day of violation and pursuant to such authority the Board proposes the following penalties for failure to abate violations:

<u>ISSUING AGENCY</u>	<u>VIOLATION #</u>	<u>ABATEMENT DATE</u>	<u>UNABATED</u>	<u>FINE</u>
Federal State	#2-30 CFR 717.17 MC 717.17	July 7, 1980	1	\$750.00
Federal State	#3-30 CFR 717.17(a) MC 717.17(a)	July 7, 1980	1	\$750.00
State	#7-MC 717.17(b)(1)(v)	July 7, 1980	8	\$6,000.00
State	#8-MC 717.20(b)	July 7, 1980	14	<u>\$10,500.00</u>
				TOTAL = \$18,000.00

The operator or any other person aggrieved by this proposed assessment is hereby requested to notify the Division of Oil, Gas and Mining on or before Wednesday, September 24, 1980, and thereafter appear before the Board of Oil, Gas and Mining in the Executive Conference Room, Airport-Holiday Inn, 1659 West North Temple, Salt Lake City, Utah, on Thursday, September 25, 1980 at 10:00 a.m. to show cause, if any there be, why the proposed penalty should not be assessed.

DATED this 26th day of August, 1980.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING



PAULA FRANK
Secretary of the Board

Division of Oil, Gas and Mining
1588 West North Temple
Salt Lake City, Utah 84116
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