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M E M O R A N D U M
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TO: The Board of Oil, Gas and Mining

FROM: Joseph C. Helfrich, Reclamation Soils Specialist

SUBJECT: Justification for Assessment of Civil Penalties
Trail Mountain Coal Company
Trail Mountain Mine
ACT/015/009

DATE: September 12, 1980

The following information has been provided for your review in reference to civil penalties assessed to the Trail Mountain Mine.

Violation #

Federal #1- 30 CFR 717.14(c)
State MC 717.14(E)

History - 0 points awarded, Maximum allowable - 30
- Permittee had no previous history of said violations.

Seriousness - ^{OSM UNLIKELY} 24 points awarded, Maximum allowable - 30 ^{event did not occur}
- The violation did occur, 15 points awarded. ^{what would}
- Effects of violation occurred outside the permit area, (drainage from waste material into Cottonwood Creek). - 9 points awarded

Negligence - 15 points awarded, Maximum allowable - 25 ^{OSM-4-5}
- Violation committed under knowing conditions. ^{LOW-1-2 PTS}

Good-Faith - 0 points awarded, Maximum allowable - -10
- Permittee complied within time given for compliance.

Federal #2- 30 CFR 717.17
State MC 717.17

History - 1 point awarded, Maximum allowable - 30
- Violation had previously occurred.

Seriousness - 22 points awarded, Maximum allowable - 30
- Violation occurred, 15 points awarded.
- Effects of violation occurred within the permit area. 7 points awarded.

Negligence - 25 points awarded, Maximum allowable - 25
- Permittee was notified (3) times prior to abatement action.
Violation committed under knowing conditions.

Good-Faith - 0 points awarded, Maximum allowable - -10
- Permittee complied within given time for abatement.

Federal #3- 30 CFR 717.17(a)
State MC 717.17(a)

History - 2 points awarded, Maximum allowable - 30
- Violation had previously occurred during two separate inspections.

Seriousness - 27 points awarded, Maximum allowable - 30
- Violation occurred, 15 points awarded.
- Effects of violation occurred outside the permit area, 12 points awarded.

Negligence - 25 points awarded, Maximum allowable - 25
- Permittee failed to maintain surface drainage control facilities.

Good-Faith - 0 points awarded, Maximum allowable - -10
- Permittee complied within given time for abatement.

Federal #4- 30 CFR 717.17(j)(2)(i)
State MC 717.17(j)(1)

History - 0 points awarded, Maximum allowable - 30
- Violation had not previously occurred.

Seriousness - 27 points awarded, Maximum allowable - 30
- Violation occurred, 15 points awarded.
- Effects of violation occurred outside the permit area, (mining equipment used to ford stream for dust suppression), 12 points awarded.

Negligence - 20 points awarded, Maximum allowable - 25
- Violation committed under intentional conduct.

Good-Faith - 0 points awarded, Maximum allowable - -10
- Permittee complied within given abatement time.

Federal #5- 30 CFR 717.17(j)(1)
State MC 717.17(j)

History - 2 points awarded, Maximum allowable - 30
- Violation previously occurred during two separate inspections.

Seriousness - 25 points awarded, Maximum allowable - 30
- Violation occurred, 15 points awarded.
- Effects of violation occurred outside the permit area, 10 points awarded.

Negligence - 25 points awarded, Maximum allowable - 25
- Violation committed under knowing and intentional conduct.

Good-Faith - 0 points awarded, Maximum allowable - -10

State #6- MC 717.11(b)

History - 1 point awarded, Maximum allowable - 30
- Violation had previously occurred.

Seriousness - 16 points awarded, Maximum allowable - 30
- The occurrence of the event which the violation standard was designed to prevent was unlikely, 9 points awarded.
- Effects of violation remained within the permit area, 7 points awarded.

Negligence - 20 points awarded, Maximum allowable - 25

Good-Faith - 0 points awarded, Maximum allowable - -10
- Permittee complied within given abatement period.

State #7- MC 717.17(B)(1)(v)

History - 1 point awarded, Maximum allowable - 30
- Violation previously occurred.

Seriousness - 16 points awarded, Maximum allowable - 30
- The occurrence of the event which the violation standard was designed to prevent was unlikely, 9 points awarded.
- Effects of violation remained within the permit area, 7 points awarded.

Food-Faith - 0 points awarded, Maximum allowable - -10

State #8- MC 717.20(b)

History - 1 point awarded, Maximum allowable - 30
- Violation previously occurred.

Seriousness - 22 points awarded, Maximum allowable - 30
- The violation occurred, 15 points awarded.
- The effects of the violation occurred within the permit area, 7 points awarded.

Negligence - 25 points awarded, Maximum allowable - 25
- Permittee failed to prevent the occurrence of the violation under knowing conditions.

Good-Faith - 0 points awarded, Maximum allowable - -10

JCH/te