



0006

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

September 25, 1984

REGISTERED RETURN RECEIPT REQUESTED
P 402 457 385

Mr. Allen Childs, Engineer
Trail Mountain Coal Company
P. O. Box 370
Orangeville, Utah 84537-0379

Dear Mr. Childs:

RE: Finalized Assessment for State Violation No. N84-4-6-3,
ACT/015/009, Folder No. 8, Emery County, Utah

The civil penalty for the Violation No. N84-4-6-3 has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

Lorin P. Nielsen
Acting Assessment Officer

re

Enclosure

cc: Donna Griffin, OSM, Albuquerque
Joe Helfrich
Barbara Roberts

ASSESSMENT CONFERENCE REPORT
Utah Division of Oil, Gas & Mining
4241 State Office Building
Salt Lake City, Utah 84114

NOV/CO No. 84-4-6-3

Location of Conference: Salt Lake City, Utah

Date of Conference: September 20, 1984

Company Name/Mine Name: Trail Mountain Coal Company/Trail Mountain Mine

| <u>Persons in Attendance</u> | <u>Representing</u> |
|--------------------------------|--|
| <u>Lorin P. Nielsen</u> | <u>Natural Resources and Energy</u> |
| <u>David Lof</u> | <u>Division of Oil, Gas and Mining</u> |
| <u>Allen Childs (by phone)</u> | <u>Trail Mountain Coal Company</u> |

| <u>Violation No.</u> | <u>Amount of Assessment As Revised</u> |
|---------------------------|--|
| <u>N84-4-6-3, #1 of 3</u> | <u>\$ 500.00</u> |
| <u>N84-4-6-3, #2 of 3</u> | <u>560.00</u> |
| <u>N84-4-6-3, #3 of 3</u> | <u>960.00</u> |
| <u>_____</u> | <u>_____</u> |
| <u>_____</u> | <u>_____</u> |
| <u>_____</u> | <u>_____</u> |
| <u>TOTAL</u> | <u>\$ 2020.00</u> |

Approved: *Lorin P. Nielsen*
(Signature of Conference Officer) Date: *9/25/84*

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 15 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-4-6-3Violation 1 of 3(a) Nature of violation: Failure to provide principal and emergency spillways to safely discharge 25, year 24 hour event runoff

(b) Date of termination: _____

| 2. Conference Result | <u>Proposed Assessment</u> | <u>Conference Assessment</u> |
|-------------------------------|----------------------------|------------------------------|
| (a) History/Prev. Vio. | <u>5</u> | <u>5</u> |
| (b) Seriousness | | |
| (1) Probability of Occurrence | <u>10</u> | <u>10</u> |
| Extent of Damage | <u>10</u> | <u>10</u> |
| (2) Obstr. to Enforcement | <u> </u> | <u> </u> |
| (c) Negligence | <u>15</u> | <u>15</u> |
| (d) Good Faith | <u>-10</u> | <u>-5</u> |
| (e) Acreage | <u> </u> | <u> </u> |
| TOTAL | <u>30</u> | <u>35</u> |

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

History: AffirmedProbability: AffirmedExtent: AffirmedNegligence: AffirmedGood Faith: Abatement completed in time required in modified abatement schedule. More detailed abatement procedures required than originally given. Good Faith points at maximum not appropriate as abatement at last day of abatement period. May 8, 1984, change to 5 points.

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-4-6-3Violation 2 of 3(a) Nature of violation: Failure to maintain dewatering device.(b) Date of termination: April 27, 1984

| 2. Conference Result | <u>Proposed Assessment</u> | <u>Conference Assessment</u> |
|-------------------------------|--------------------------------|----------------------------------|
| (a) History/Prev. Vio. | <u>5</u> | <u>5</u> |
| (b) Seriousness | | |
| (1) Probability of Occurrence | <u>8</u> | <u>8</u> |
| Extent of Damage | <u>8</u> | <u>8</u> |
| (2) Obstr. to Enforcement | | |
| (c) Negligence | <u>17</u> | <u>17</u> |
| (d) Good Faith | <u>0</u> | <u>0</u> |
| (e) Acreage | | |
| TOTAL | <u>38</u> | <u>38</u> |

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

History: Affirmed
Probability: Affirmed
Extent: Affirmed
Negligence: Affirmed
Good Faith: Affirmed

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-4-6-3Violation 3 of 3(a) Nature of violation: Failure to examine sediment pond and promptly record results.(b) Date of termination: July 27, 1984

| 2. Conference Result | <u>Proposed Assessment</u> | <u>Conference Assessment</u> |
|-------------------------------|----------------------------|------------------------------|
| (a) History/Prev. Vio. | <u>5</u> | <u>5</u> |
| (b) Seriousness | | |
| (1) Probability of Occurrence | <u> </u> | <u> </u> |
| Extent of Damage | <u> </u> | <u> </u> |
| (2) Obstr. to Enforcement | <u>14</u> | <u>14</u> |
| (c) Negligence | <u>30</u> | <u>30</u> |
| (d) Good Faith | <u>0</u> | <u>0</u> |
| (e) Acreage | <u> </u> | <u> </u> |
| TOTAL | <u>49</u> | <u>49</u> |

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

History: AffirmedObstruction: Affirmed. an actual hindrance occurred. Assessment proper since entire inspection not hindered.Negligence: Affirmed. Ponds not inspected due to absence of engineer on mine permit activities, other personnel should have done inspections as required by DOGM following previous violations for same reason.Good Faith: Affirmed