



0008

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

October 28, 1987

CERTIFIED RETURN RECEIPT REQUESTED
P 001 771 197

Mr. Allen Childs
Trail Mountain Coal Company
P. O. Box 370
Orangeville, UT 84537-0370

Dear Mr. Childs:

Re: Finalized Assessment for State Violation No. N87-26-2-2,
ACT/015/009, Folder #5, Carbon 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 have escrowed 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 % Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Barbara W. Roberts

Barbara W. Roberts
Assessment Conference Officer

re
cc: John C. Kathmann, OSM AFO

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

COMPANY/MINE Trail Mtn. Coal Co./Trail Mtn. Mine NOV # N87-26-2-2
 PERMIT # ACT/015/009 VIOLATION 1 OF 2
 Assessment Date 10-20-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to dispose of waste oil in accordance with the approved permit.

Date of termination: June 25, 1987

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>4</u>	<u>4</u>
(b) Hindrance to Enforcement	<u></u>	<u></u>
(3) Negligence	<u>8</u>	<u>4</u>
(4) Good Faith	<u>0</u>	<u>- 18</u>
TOTAL	<u>32</u>	<u>10</u>
	TOTAL ASSESSED FINE	<u>\$ 100.</u>

Good faith points awarded for rapid compliance in a difficult abatement situation. Negligence points reduced as a result of information received indicating that the operator chose, as the only known alternative, this method when the trucking firm that had hauled the oil moved from the area.

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

COMPANY/MINE Trail Mtn.Coal Co./Trail Mtn.

NOV # N87-26-2-2

PERMIT # ACT/015/009

VIOLATION 2 OF 2

Assessment Date 10-20-87

Assessment Officer Barbara W. Roberts

Nature of violation: Failure to obtain Division approval before changing the main Cottonwood stream channel below the sediment pond and to the permit boundry below approximately 100 feet.

Date of termination: June 25, 1987

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>0</u>	<u>N/A</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>N/A</u>
Extent of Damage	<u>0</u>	<u>N/A</u>
(b) Hindrance to Enforcement	<u></u>	<u>N/A</u>
(3) Negligence	<u>4</u>	<u>N/A</u>
(4) Good Faith	<u>0</u>	<u>N/A</u>
 TOTAL	 <u>24</u>	 <u>N/A</u>
	TOTAL ASSESSED FINE	\$ <u> </u>

This violation is vacated for the reason that the Division, through a previous inspector, had granted approval for the final stream channel alterations.

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