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STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

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

September 18, 1986

CERTIFIED RETURN RECEIPT REQUESTED  
P 001 771 298

Mr. Charles Gent  
Genwal Coal Company, Inc.  
P O Box 1201  
Huntington, Utah 84528

Dear Mr. Gent:

RE: Finalized Assessment for State Violation No. N86-4-7-1  
ACT/015/032, Folder #8, 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 which were not available on the date of the proposed assessment, due to the length of the abatement period.

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 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 and mail % Jan Brown at the address listed above.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Barbara W. Roberts".

Barbara W. Roberts  
Assessment Conference Officer

re

cc: Donna Griffin, OSM Albuquerque Field Office  
0450Q

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

COMPANY/MINE Genwal Coal Company NOV # N86-4-7-1

PERMIT # ACT/015/032 VIOLATION 1 OF 1

Assessment Date 9-12-86 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to conduct surface water monitoring in accordance with the approved monitoring program.

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>25</u>	<u>25</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>          </u>	<u>          </u>
Extent of Damage	<u>          </u>	<u>          </u>
(b) Hindrance to Enforcement	<u>05</u>	<u>05</u>
(3) Negligence	<u>25</u>	<u>05</u>
(4) Good Faith	<u>0</u>	<u>20</u>
TOTAL	<u>55</u>	<u>15</u>
TOTAL ASSESSED FINE		<u>\$ 150.</u>

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

Negligence reduced for the reason that the stream had been frozen for several check periods and operator had merely not adequately assessed the time period when the chart would have run out. Under normal circumstances, the chart will run for 30 days but, in this case, something less than that was available due to time accrued during the previous fall flow. The operator was simply negligent in this situation, not acting in a knowing and willfull manner.

Regarding the award of good faith points, the citation was issued on June 25, 1986 for failure to collect water monitoring data and was terminated effective June 25, 1986. On the date of the inspection June 19, 1986, the operator was made aware of this deficiency and the problems at least for future data collection, were rectified by June 19, 1986. The violation issued for failure to have the missing data must stand but immediate compliance on an easy abatement under the circumstances of this violation warrants the change in good faith points.