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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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January 25, 1989

CERTIFIED RETURN RECEIPT REQUESTED
P 001 771 206

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

Dear Mr. Gent:

Re: Corrected Proposed Assessment for State Violation No. N88-17-3-1,
ACT/015/032, Folder #5, Emery County, Utah

There was an error made on the proposed assessment sent to you on November 4, 1988. A corrected copy of the proposed assessment and also your check in the amount of \$480.00 is enclosed. The corrected fine for this penalty is \$320.00.

Would you please forward this amount to us. We apologize for any inconvenience caused you by this error. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Joseph C. Helfrich'.

Joseph C. Helfrich
Assessment Officer

jb
Enclosure
MN36/19

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

COMPANY/MINE Genwal Coal CompanyNOV # N-88-17-4-1PERMIT # ACT/015/032VIOLATION 1 OF 1ASSESSMENT DATE 11/3/88ASSESSMENT OFFICER Joseph C. HelfrichI. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 11/3/88 EFFECTIVE ONE YEAR TO DATE 11/3/87

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N-87-16-2-1</u>	<u>1-30-88</u>	<u>1</u>
<u>N-88-16-1-1</u>	<u>5-12-88</u>	<u>1</u>
<u>N-88-16-2-1</u>	<u>5-12-88</u>	<u>1</u>
<u>N-88-16-3-1</u>	<u>7-09-88</u>	<u>1</u>

1 point for each past violation, up to one year

5 points for each past violation in a CO, up to one year

No pending notices shall be counted

TOTAL HISTORY POINTS 4II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? EventA. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Revegetation
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE
None	0
Insignificant	1-4
Unlikely	5-9
Likely	10-14
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS

Lack of sprinkler installation is likely to result in diminished revegetation success this year.

3. What is the extent of actual or potential damage?

Potential or Actual Damage RANGE 0-25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 0

PROVIDE AN EXPLANATION OF POINTS

No Damage.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? Actual

Potential hindrance RANGE 1-12
Actual hindrance 13-25

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS

PROVIDE AN EXPLANATION OF POINTS

TOTAL SERIOUSNESS POINTS (A OR B) 12

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE; OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE; OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence 0
Negligence 1-15
Greater Degree of Fault 16-30

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 10

PROVIDE AN EXPLANATION OF POINTS

Lack of diligence with respect to revegetation requirements.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO - EASY ABATEMENT
 - Easy Abatement Situation
 - Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
 - Rapid Compliance -1 to -10*
(Permittee used diligence to abate the violation)
 - Normal Compliance 0
(Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

- Difficult Abatement Situation
 - Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
 - Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
 - Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? _____ ASSIGN GOOD FAITH POINTS _____

PROVIDE AN EXPLANATION OF POINTS

After the fact violation. No abatement required.

V. ASSESSMENT SUMMARY FOR N-88-17-4-1

I. TOTAL HISTORY POINTS	<u>4</u>
II. TOTAL SERIOUSNESS POINTS	<u>12</u>
III. TOTAL NEGLIGENCE POINTS	<u>10</u>
IV. TOTAL GOOD FAITH POINTS	<u> </u>
 TOTAL ASSESSED POINTS	 <u>26</u>
 TOTAL ASSESSED FINE	 <u>\$ 320.00</u>