



Suzanne Steab <suzannesteab@utah.gov>

Fwd: Proposed Assessment for State Violation No. 21193

Daron Haddock <daronhaddock@utah.gov>
To: Suzanne Steab <suzannesteab@utah.gov>

Wed, May 3, 2017 at 1:30 PM

—— Forwarded message ——

From: **Kirk Nicholes** <knicholes@altoncoal.com>
Date: Thu, Apr 27, 2017 at 10:28 AM
Subject: Proposed Assessment for State Violation No. 21193
To: "Daron Haddock (daronhaddock@utah.gov)" <daronhaddock@utah.gov>

Hello Daron,

Attached is ACD's position on the proposed assessment for State Violation No. 21193. If there are any questions, please feel free to contact me.

Thanks

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**ACD's position on Proposed Assessment for Violation N21193.pdf**

18K

NOV # 21193 Failure to store oil and grease in a controlled manor in a designated area of the permit area. Per the Spill Prevention Control and Countermeasure (SPCC) Plan.

R645-300-542.741 and R645-301-747.100

	DOGM Assessment	ACD Position
Violation History (25 points)	2	2
Seriousness		
Event Violation (20 Points)	15	5
Actual or Potential Damage (0-25 points)	5	0
Hindrance	0	0
Negligence (30 Points)	8	8
Good Faith	-15	-20
Total	15	-5
Penalty	\$330	(\$83)

Abatement due on Aug. 2, 2016 extended to Sept. 15, 2016

Penalty Contentions

Seriousness- The purpose of the regulations is to store noncoal mine waste in a controlled manner in a designated portion of the permit area. The impounding tank (although not in a designated portion of the permit per the SPCC plan) acted as secondary containment for portable oil containers. The collected water was an accumulation of over 40 inches of snow melt in a short period of time. As stated by the inspector, the event (overtopping of the secondary containment) did not occur and if it did, would have had to flow more than 200' across the floor of pit 10 to a sump, thence to Pond 3 before being discharged to the environment. There was no threat to public health or welfare, the environment or offsite damage.

Good Faith- The impounding tank was drained and the portable containers (all of which were virtually empty) were removed to a designated location of the permit (facility bulk storage area) prior to the inspector issuing the violation. The citation probably should not have been issued, the operator should only have been asked to remedy the situation as no event had happened.