

CCASE:
SOL (MSHA) V. SOUTHERN CLAY
DDATE:
19830912
TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

v.

SOUTHERN CLAY, INC.,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. Assessment Control Nos.

DENV 79-97-PM 23-01602-05001

CENT 79-194-M 23-01602-05002

CENT 80-67-M 23-01602-05003

CENT 81-47-M 23-01602-05004

Southern Clay Pit and Plant
Stoddard County, Missouri

CENT 81-146-M 23-01005-05001

CENT 81-270-M 23-01005-05002

Southern Clay Plant
Scott County, Missouri

BARB 79-27-PM 40-00204-05001

SE 81-104-M 40-00204-05003

Southern Clay Mine
Henry County, Tennessee

LAKE 79-170-M 11-00494-05001

LAKE 80-101-M 11-00494-05002

LAKE 80-137-M 11-00494-05003

LAKE 80-138-M 11-00494-05004

LAKE 80-282-M 11-00494-05005

LAKE 81-62-M 11-00494-05006

LAKE 81-83-M 11-00494-05007

LAKE 81-145-M 11-00494-05008

LAKE 81-172-M 11-00494-05009

LAKE 82-20-M 11-00494-05010

Southern Clay Pit and Mill
Pulaski County, Illinois

DECISION APPROVING SETTLEMENT, AS CORRECTED

Before: Judge Steffey

Counsel for the Secretary of Labor and Southern Clay, Inc., filed on August 19, 1983, in the above-entitled proceeding a joint motion for approval of settlement. Under the settlement agreement, respondent would pay reduced penalties totaling \$4,968.90 instead of the total penalties of \$5,521.00 proposed by the Mine Safety and Health Administration.

Discussion of Required Corrections

The settlement amount given in the preceding paragraph is \$398.84 higher than the total of the settlement penalties which will be obtained by adding the columns of settlement penalties shown on pages 2 through 7 of the joint motion for approval of settlement. The reason that the actual settlement amount is \$398.84 larger than the total amount indicated in the motion is that there are about ten errors in the tabulations shown on pages 2 through 7 of the motion. I considered returning the joint motion to the parties so that they could correct the errors, but I found that all of them are either typographical or inadvertent errors of omission. Therefore, I have corrected the errors and have no reason to believe that the difference in the amounts I am approving in this decision will cause any real concern after the parties have had an opportunity to check the corrections which I have made.

I shall first explain the errors which were made in listing the penalties proposed by MSHA and thereafter I shall explain the errors resulting from the parties' application of a flat 10-percent reduction in all of the penalties proposed by MSHA.

As indicated in the first paragraph of this decision, if the total penalties proposed by MSHA in all 18 cases are added, the result is \$5,521.00, whereas the amount which will be obtained by adding the proposed penalties listed on pages 2 through 7 of the motion for approval of settlement is \$4,984.00 which is \$537.00 less than the actual proposed penalties. The difference of \$537.00 between the actual penalties and the listing in the motion is specifically explained in the following discussion.

On page 2 of the motion, under Docket No. LAKE 80-137-M, the parties overlooked the need to list Citation No. 366077 dated 8/29/79 citing a violation of section 55.14-6 with an associated proposed penalty of \$72.00. On page 3, the list of citations supporting the violations alleged in Docket No. LAKE 80-137-M continues. There are two additional errors under Docket No. LAKE 80-137-M on page 3. Citation No. 367465 shown on the first line of page 3 should be changed to Citation No. 366075 and the omitted alleged violation of section 55.12-30 associated with that citation should be inserted in column 3 on page 3. Also on line 2 of page 3, Citation No. 367465 should be changed to Citation No. 367464. The remaining facts given with respect to those two citations are correct and no changes in the amounts of the proposed penalties are required.

On page 3 of the motion, under Docket No. CENT 79-194-M, the parties failed to list Citation No. 189111 dated February 13, 1979, alleging a violation of section 55.9-2. The proposed penalty for the violation associated with that omitted citation is \$66.00.

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On page 4 of the motion, under Docket No. LAKE 79-170-M, the parties failed to list Citation No. 366451 dated April 18, 1979, alleging a violation of section 55.12-32. The penalty proposed for that alleged violation is \$34.00. Also on page 4, under Docket No. LAKE 82-20-M, the proposed penalty shown in column 4 for the single violation alleged in that docket is \$60.00, but that penalty should be corrected to show \$160.00 in column 4.

On page 6 of the motion, the first case listed is Docket No. CENT 81-146-M. That reference to Docket No. CENT 81-146-M should be deleted in its entirety because the proposed assessment for that case is already listed in full on page 5 and should not be repeated on page 6. Also on page 6, under Docket No. LAKE 80-101-M, the parties overlooked the need to list Order No. 366088 dated August 29, 1979, alleging a violation of section 55.12-17 with an associated proposed penalty of \$305.00.

Addition of the amounts associated with the above-described errors equals the deficiency of \$537.00 referred to in the fourth paragraph of this decision. A summary of the corrections discussed above is given below:

LAKE 80-137-M (addition of proposed penalty associated with omission of Citation No. 366077).....	\$ 72.00
CENT 79-194-M (addition of proposed penalty associated with omission of Citation No. 189111).....	66.00
LAKE 79-170-M (addition of proposed penalty associated with omission of Citation No. 366451).....	34.00
LAKE 82-20-M (addition of \$100 to increase incorrect proposed penalty of \$60 to \$160 for Citation No. 500519).....	100.00
CENT 81-146-M (reduction of proposed penalty associated with deletion of second listing of Docket No. CENT 81-146-M).....	-40.00
LAKE 80-101-M (addition of proposed penalty associated with omission of Order No. 366088).....	305.00
Total difference between actual proposed penalties and incorrect proposed penalties listed in joint motion.....	\$ 537.00

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Since the parties' errors in deriving the total settlement penalties are different from those which caused the errors in listing the total penalties proposed by MSHA, a somewhat different explanation is necessary to account for the difference of \$398.84 between the total settlement amount of \$4,968.90 (which results from taking 90 percent of the corrected proposed penalties of \$5,521.00) and the amount of \$4,570.06 which results from adding the settlement penalties listed on pages 2 through 7 of the joint motion for approval of settlement. An explanation of the errors in listing the settlement penalties is given below:

On page 2 of the motion, under Docket No. LAKE 80-137-M, a settlement penalty of \$64.80 must be added in column 5 to reflect the omission of the proposed penalty of \$72.00 associated with Citation No. 366077.

On page 3 of the motion, under Docket No. CENT 79-194-M, a settlement penalty of \$59.40 must be added in column 5 to reflect the omission of the proposed penalty of \$66.00 associated with Citation No. 189111.

The listing for Docket No. CENT 81-270-M begins on the last line of page 3. Under that same docket on the first line of page 4, a settlement penalty of \$30.80 is shown in column 5 for Citation No. 544241 having a proposed penalty of \$34.00. That settlement penalty is 20 cents more than 10 percent of \$34.00 and should be reduced to \$30.60 to agree with all the other settlement penalties associated with proposed penalties in the amount of \$34.00 which have been correctly reduced by 10 percent to \$30.60.

Also on page 4 of the motion, under Docket No. LAKE 79-170-M, a settlement penalty in the amount of \$30.60 should be added in column 5 to correspond with the parties' failure to include Citation No. 366451 in that docket along with an associated proposed penalty of \$34.00.

It should additionally be noted on page 4, under Docket No. LAKE 82-20-M, that it is unnecessary to make an adjustment in the settlement penalties to reflect the fact that the proposed penalty for the single violation in that docket was incorrectly listed as \$100.00 less than MSHA had proposed. No adjustment is necessary because the parties had listed a settlement penalty of \$144.00 which is 10 percent of the corrected proposed penalty of \$160.00.

A somewhat complicated discussion is required for correcting the settlement penalty pertaining to the single violation alleged in Docket No. CENT 81-146-M. As previously indicated above, the entire listing for Docket No. CENT 81-146-M appears first on page 5 and then is repeated on page 6. The first

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listing on page 5 incorrectly shows the settlement penalty as \$30.00 in column 5, and that amount should be corrected to reflect a correct settlement penalty of \$36.00. Of course, the repeated listing of Docket No. CENT 81-146-M should be deleted where it is shown on page 6, but on page 6, the correct settlement penalty of \$36.00 is shown in column 5. Nevertheless, to obtain a correct total for all settlement penalties, only \$30.00 should be deducted, when the second listing for Docket No. CENT 81-146-M is deleted, because the first listing for that docket reflected an incorrect settlement penalty of \$30.00 which has already been changed on page 5 to the correct amount of \$36.00.

On page 5 of the motion, under Docket No. LAKE 81-62-M, the settlement penalty shown for Citation No. 499968 should be changed from \$102.86 to \$102.60 because the amount of \$102.86 is not 10 percent of the proposed penalty of \$114.00. The aforesaid correction requires that the settlement penalties be reduced by 26 cents.

On page 4 of the motion, under Docket No. LAKE 80-101-M, a settlement penalty of \$274.50 must be added to reflect insertion of a settlement penalty to correspond with the proposed penalty of \$305.00 associated with omission of Order No. 366088 from that docket.

As indicated above, the corrected total of the proposed penalties is \$5,521.00 so that the total settlement penalties, or 90 percent of \$5,521.00, are \$4,968.90. Also, as explained above, the motion, when filed, reflected total settlement penalties of \$4,570.06. The difference between the motion's incorrect settlement penalties in the amount of \$4,570.06 and the corrected total settlement penalties in the amount of \$4,968.90 is achieved by making the following adjustments which have been explained above:

LAKE 80-137-M (insertion to correspond with omission of Citation No. 366077).....	\$ 64.80
CENT 79-194-M (insertion to correspond with omission of Citation No. 189111).....	59.40
CENT 81-270-M (reduction of 20 cents to reflect correction of settlement penalty for Citation No. 544241).....	-.20
LAKE 79-170-M (insertion to correspond with omission of Citation No. 366451).....	30.60
CENT 81-146-M (reduction of \$30.00 to reflect deletion of Docket No. CENT 81-146-M which had been listed twice).....	-30.00

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LAKE 81-62-M (reduction of 26 cents to reflect correction of settlement penalty for Citation No. 499968).....	\$ - .26
LAKE 80-101-M (insertion to correspond with omission of Order No. 366088).....	274.50
Total Adjustments in Settlement Penalties.....	\$ 398.84

The ordering paragraphs at the end of this decision list all the corrected proposed penalties along with the corrected settlement penalties. Therefore, if counsel(FOOTNOTE 1) for the parties become confused by the explanation of the corrections as they have been given above, they will be able to compare the listing of the proposed penalties and settlement penalties set forth on pages 2 through 7 of the joint motion with the tabulations at the end of this decision and find all of the corrections which have been explained above.

Discussion of the Six Criteria

Hearings in this consolidated proceeding were scheduled and then continued several times because counsel for the parties believed that the Federal Mine Safety and Health Act of 1977 was going to be amended by Congress so as to transfer inspection of respondent's mining operations from the jurisdiction of the Mine Safety and Health Administration to the jurisdiction of the Occupational Safety and Health Administration. That anticipated legislation never was passed by Congress and the parties have agreed to this settlement subject to respondent's right to contest MSHA's jurisdiction in the future if respondent should choose to do so.

Section 110(i) of the Act lists six criteria which are required to be used in determining civil penalties. The joint motion for approval of settlement (pp. 7-8) discusses the six criteria in very general terms. As to the criterion of whether the payment of penalties would cause respondent to discontinue in business, the joint motion states that "[t]he proposed settlement will not deter Southern Clay, Inc.'s ability to continue in business."

The criterion of the size of respondent's business is not discussed in specific terms in the joint motion. The 18 proposed assessments in the official files were prepared over a period of years beginning in 1978 and ending in 1981 and reflect that respondent's total business involves from 563,807 to 619,548 man hours per year. Therefore, the proposed assessment

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sheets assign two penalty points for the size of respondent's total operations under the penalty formula set forth in 30 C.F.R.

100.3 as that formula was constituted prior to its amendment on May 21, 1982. Respondent has four different sites where mining operations are conducted. The assessment sheets reflect the man hours for those specific mines to be from a low of 29,964 to a high of 218,500. All but one of the proposed assessment sheets have assigned five penalty points pursuant to section 100.3(b). Therefore, the proposed assessment sheets assign from two to six points under section 100.3(b)(1)(ii) for the size of respondent's individual mines under the penalty formula. Inasmuch as a maximum of 15 points may be assigned solely on the basis of the size of an operator's business, I find that respondent should be classified as operating a relatively small business because the assignment of points under the criterion of size ranges from a low of 4 points to a high of 8 points.

As to the criterion of respondent's history of previous violations, the joint motion states that respondent has no significant history of previous violations. The aforesaid statement as to respondent's history of previous violations is correct for the majority of the violations alleged in this proceeding, but the 76 violations alleged in all 18 dockets are spread over a 4-year period. The alleged violations, therefore, range from the very first inspections made of respondent's mines to those made in 1981. Consequently, the first proposed assessment sheets reflect assignment of zero penalty points under the criterion of respondent's history of previous violations, but in some of the most recent cases, such as the proposed assessment sheets in Docket Nos. LAKE 81-145-M and LAKE 82-20-M, the sheets reflect assignment of 16 and 15 penalty points, respectively, for respondent's history of previous violations under section 100.3(c). Inasmuch as a maximum of 20 penalty points can be assigned under the criterion of history of previous violations, it is obvious from MSHA's assignment of up to 16 penalty points under that criterion, that respondent, by 1981, had at least an average history of previous violations. Since all of the penalties proposed by MSHA reflect a gradual increase in assignment of penalty points under the criterion of history of previous violations as respondent continued to be cited for additional violations, the proposed penalties all reflect proper consideration of respondent's history of previous violations.

As to the criterion of whether respondent demonstrated a good faith effort to achieve rapid compliance after the alleged violations were cited, the joint motion states that "Southern Clay, Inc. exercised good faith in abatement of the alleged violations." While the joint motion is correct as to the criterion of good-faith abatement, it understates respondent's excellent record in abating violations rapidly. Under section 100.3(f) of the formula in effect prior to May 21, 1982, an

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operator is assigned zero penalty points if it merely abates a violation within the time given by an inspector in his citation, but is assigned negative penalty points if it makes "special efforts" to abate the violation. In almost every instance, MSHA assigned respondent from 2 to 8 negative penalty points under the criterion of good-faith abatement. Rarely was respondent assigned zero penalty points and, in no case, was respondent assigned additional points for failure to abate a violation within the time given by the inspector. Here, again, of course, all of MSHA's proposed penalties reflect a reduction of the penalty because of respondent's having demonstrated "special efforts" in abating the alleged violations.

With respect to the criterion of negligence, the joint motion avers that "[t]he above-stated alleged violations were the result of low to moderate negligence." The parties' statement as to negligence is overly broad and general. In Docket No. LAKE 80-101-M, for the violation of section 55.12-17 alleged in Order No. 366088, MSHA assigned 25 penalty points under the criterion of negligence pursuant to section 100.3(d) of the penalty formula. Section 100.3(d) provides for a maximum of 25 points to be assigned when there is existence of gross negligence. The violation involved was the alleged failure of an employee to block out the principal switch at a time when he was working on a 440-volt switch box. In Docket No. LAKE 81-83-M, a total of 16 penalty points were assigned under the criterion of negligence for the single violation alleged in that case.

Despite the fact that a few alleged violations were considered to have been associated with more than the "moderate" degree of negligence referred to in the joint motion, it is a fact that in the majority of cases, MSHA assigned in the neighborhood of from 10 to 12 "moderate" penalty points under the criterion of negligence. In each case, of course, the Assessment Office specifically considered the criterion of negligence and assigned an appropriate number of penalty points under that criterion.

Finally, as to the sixth criterion of gravity, the joint motion states that the "* * * alleged violations were only mildly serious". The joint motion understates the seriousness of the alleged violations because the vast majority of the violations pertained to failure to erect guards over moving machine parts or along walkways. Those were generally assigned at least 7 penalty points under section 100.3(e) of the penalty formula which means that the inspector thought the accidents which the standards were designed to prevent would "probably" occur and that they would result in at least lost work days for one person. Many of them were given 11 penalty points indicating that the inspector thought they would be associated with injuries of a permanently disabling nature. Of course, some of the violations were also electrical in nature and those were given penalty

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assignments of 14 to 16 under the criterion of gravity. In each instance, however, MSHA assigned the number of penalty points under the criterion of gravity which the conditions described in the inspectors' citations and order seem to require.

In most settlement proceedings, the parties' motions for approval of settlement provide detailed facts as to unusual mitigating circumstances which were apparently not taken into consideration by MSHA when it derived the penalties which are being contested. In this proceeding, the parties have given no specific reason to justify a 10-percent reduction in all of the 76 penalties involved in this proceeding. If the proposed reduction were any more than 10 percent, I believe that the settlement would have to be returned for the parties to provide some specific reason for seeking a 10-percent reduction. It is a fact, however, that I have received detailed evidence in some proceedings pertaining to as many as 98 alleged violations. It is generally true that an operator is able to introduce mitigating circumstances in such proceedings so that, in most cases, I end up assessing slightly lower penalties than MSHA.

I have read the conditions described in all of the citations and order involved in this proceeding and I believe that in an evidentiary proceeding I would be inclined to reduce many of them below the amount proposed by MSHA. For example, many of the electrical violations pertain to failure to replace a cover on a switch box or control box. If that box should prove to be in a remote area which was dry and infrequently used, I would be inclined to assess a lower penalty than has been proposed by MSHA because I believe the likelihood of a serious injury from such a violation is remote. Also, in many of the alleged violations pertaining to failure to guard a walkway or moving machine parts, the testimony at a hearing generally shows that the openings for which guarding is being required are somewhat small or are located in an area of infrequent travel by personnel. The mitigating circumstances in such cases usually warrant a reduction of the penalties to amounts less than those proposed by MSHA.

As I indicated in the first paragraph of this decision, the total corrected proposed penalties amount to \$5,521.00 and respondent has agreed to pay corrected settlement penalties in the amount of \$4,968.90, or a reduction of \$552.10. In my opinion, if a hearing had been held as to the 76 alleged violations involved in this proceeding, it is more likely than not that I would have assessed penalties of no more than the settlement amount agreed upon by the parties. Therefore, I find that the joint motion for approval of settlement should be granted and that the corrected settlement agreement should be approved.

WHEREFORE, it is ordered:

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(A) The joint motion for approval of settlement, as corrected in this decision, is granted and the corrected settlement agreement is approved.

(B) Pursuant to the corrected settlement agreement, respondent, within 30 days from the date of this decision, shall pay civil penalties totaling \$4,968.90 which are allocated to the respective alleged violations as follows:

Southern Clay Pit and Plant, Stoddard County, Missouri

Docket No. DENV 79-97-PM

	Proposed Penalties	Settlement Penalties
Citation No. 188803 4/25/78 55.14-1.....	\$ 66.00	\$ 59.40
Total Penalties in Docket No. DENV 79-97-PM	\$ 66.00	\$ 59.40

Docket No. CENT 79-194-M

Citation No. 189105 2/13/79 55.4-23.....	\$ 36.00	\$ 32.40
Citation No. 189106 2/13/79 55.9-2.....	38.00	34.20
Citation No. 189107 2/13/79 55.14-1.....	60.00	54.00
Citation No. 189110 2/13/79 55.20-11.....	52.00	46.80
Citation No. 189111 2/13/79 55.9-2.....	66.00	59.40
Citation No. 189112 2/13/79 55.9-3.....	60.00	54.00
Total Penalties in Docket No. CENT 79-194-M	\$ 312.00	\$ 280.80

Docket No. CENT 80-67-M

Citation No. 191807 7/19/79 55.4-2.....	\$ 52.00	\$ 46.80
Citation No. 191808 7/19/79 55.14-29.....	56.00	50.40
Total Penalties in Docket No. CENT 80-67-M..	\$ 108.00	\$ 97.20

Docket No. CENT 81-47-M

Citation No. 546219 8/21/80 55.12-25.....	\$ 18.00	\$ 16.20
Total Penalties in Docket No. CENT 81-47-M..	\$ 18.00	\$ 16.20

Southern Clay Plant, Scott County, Missouri

Docket No. CENT 81-146-M

Citation No. 544230 12/3/80 56.14-1.....	\$ 40.00	\$ 36.00
Total Penalties in Docket No. CENT 81-146-M..	\$ 40.00	\$ 36.00

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Docket No. CENT 81-270-M

			Proposed Penalties	Settlement Penalties
Citation No. 544240	6/10/81	56.9-11.....	\$ 32.00	\$ 28.80
Citation No. 544241	6/10/81	56.9-2.....	34.00	30.60
Total Penalties in Docket No. CENT 81-270-M.			\$ 66.00	\$ 59.40

Southern Clay Mine, Henry County, Tennessee

Docket No. BARB 79-27-PM

Citation No. 101201	3/15/78	55.12-34.....	\$ 30.00	\$ 27.00
Citation No. 101202	3/15/78	55.12-8.....	40.00	36.00
Citation No. 101203	3/15/78	55.11-12.....	60.00	54.00
Citation No. 101204	3/15/78	55.11-2.....	72.00	64.80
Citation No. 101205	3/15/78	55.14-1.....	48.00	43.20
Citation No. 101208	3/16/78	55.11-12.....	90.00	81.00
Citation No. 101209	3/16/78	55.14-1.....	90.00	81.00
Citation No. 101210	3/16/78	55.17-1.....	60.00	54.00
Citation No. 101211	3/16/78	55.14-1.....	98.00	88.20
Total Penalties in Docket No. BARB 79-27-M..			\$ 588.00	\$ 529.20

Docket No. SE 81-104-M

Citation No. 110971	2/18/81	55.5-5.....	\$ 36.00	\$ 32.40
Total Penalties in Docket No. SE 81-104-M...			\$ 36.00	\$ 32.40

Southern Clay Pit and Mill, Pulaski County, Illinois

Docket No. LAKE 79-170-M

Citation No. 366449	4/18/79	55.12-32.....	\$ 44.00	\$ 39.60
Citation No. 366450	4/18/79	55.14-1.....	44.00	39.60
Citation No. 366451	4/18/79	55.12-32.....	34.00	30.60
Citation No. 366452	4/18/79	55.12-25.....	34.00	30.60
Citation No. 366454	4/18/79	55.20-11.....	66.00	59.40
Total Penalties in Docket No. LAKE 79-170-M.			\$ 222.00	\$ 199.80

Docket No. LAKE 80-101-M

Citation No. 366079	8/29/79	55.12-68.....	\$ 52.00	\$ 46.80
Order No. 366088	8/29/79	55.12-17.....	305.00	274.50
Total Penalties in Docket No. LAKE 80-101-M.			\$ 357.00	\$ 321.30

Docket No. LAKE 80-137-M

	Proposed Penalties	Settlement Penalties
Citation No. 366483 4/18/79 55.5-5.....\$	48.00	\$ 43.20
Citation No. 366484 4/18/79 55.5-5.....	48.00	43.20
Citation No. 366485 4/18/79 55.5-5.....	48.00	43.20
Citation No. 366075 8/29/79 55.12-30.....	44.00	39.60
Citation No. 366077 8/29/79 55.14-6.....	72.00	64.80
Citation No. 366078 8/29/79 55.11-1.....	48.00	43.20
Citation No. 366081 8/29/79 55.12-32.....	44.00	39.60
Citation No. 366082 8/29/79 55.12-32.....	44.00	39.60
Citation No. 366083 8/29/79 55.14-1.....	52.00	46.80
Citation No. 366084 8/29/79 55.12-30.....	44.00	39.60
Citation No. 366086 8/29/79 55.12-32.....	44.00	39.60
Citation No. 366087 8/29/79 55.14-1.....	52.00	46.80
Citation No. 366089 8/29/79 55.12-8.....	30.00	27.00
Citation No. 366090 8/29/79 55.11-1.....	48.00	43.20
Citation No. 367461 8/29/79 55.12-32.....	44.00	39.60
Citation No. 367462 8/29/79 55.12-20.....	44.00	39.60
Citation No. 367463 8/29/79 55.12-20.....	44.00	39.60
Citation No. 367464 8/29/79 55.12-20.....	44.00	39.60
Citation No. 367465 8/29/79 55.12-25.....	44.00	39.60
Citation No. 367466 8/29/79 55.12-32.....	44.00	39.60
Total Penalties in Docket No. LAKE 80-137-M.\$	930.00	\$ 837.00

Docket No. LAKE 80-138-M

Citation No. 366091 8/30/79 55.14-1.....\$	72.00	\$ 64.80
Citation No. 366092 8/30/79 55.4-2.....	32.00	28.80
Citation No. 366093 8/30/79 55.11-2.....	32.00	28.80
Citation No. 366094 8/30/79 55.12-25.....	44.00	39.60
Citation No. 366095 8/30/79 55.11-1.....	48.00	43.20
Citation No. 367467 8/29/79 55.12-25.....	44.00	39.60
Citation No. 367468 8/29/79 55.12-32.....	44.00	39.60
Citation No. 367469 8/29/79 55.12-32.....	44.00	39.60
Citation No. 367470 8/30/79 55.12-18.....	44.00	39.60
Citation No. 367471 8/30/79 55.12-8.....	44.00	39.60
Total Penalties in Docket No. LAKE 80-138-M.\$	448.00	\$ 403.20

Docket No. LAKE 80-282-M

Citation No. 366486 4/18/79 55.5-5.....\$	36.00	\$ 32.40
Total Penalties in Docket No. LAKE 80-282-M.\$	36.00	\$ 32.40

Docket No. LAKE 81-62-M

	Proposed Penalties	Settlement Penalties
Citation No. 499967 9/16/80 55.12-25.....	\$ 140.00	\$ 126.00
Citation No. 499968 9/16/80 55.12-20.....	114.00	102.60
Citation No. 499969 9/16/80 55.14-1.....	180.00	162.00
Citation No. 499970 9/16/80 55.14-1.....	180.00	162.00
Citation No. 499971 9/16/80 55.14-6.....	180.00	162.00
 Total Penalties in Docket No. LAKE 81-62-M..	 \$ 794.00	 \$ 714.60

Docket No. LAKE 81-83-M

Citation No. 499972 9/16/80 55.11-27.....	\$ 420.00	\$ 378.00
 Total Penalties in Docket No. LAKE 81-83-M..	 \$ 420.00	 \$ 378.00

Docket No. LAKE 81-145-M

Citation No. 499973 9/16/80 55.5-50(b).....	\$ 122.00	\$ 109.80
 Total Penalties in Docket No. LAKE 81-145-M..	 \$ 122.00	 \$ 109.80

Docket No. LAKE 81-172-M

Citation No. 500513 4/14/81 55.12-18.....	\$ 160.00	\$ 144.00
Citation No. 500514 4/14/81 55.12-25.....	160.00	144.00
Citation No. 500515 4/14/81 55.12-32.....	130.00	117.00
Citation No. 500516 4/14/81 55.4-24(c).....	98.00	88.20
Citation No. 500517 4/14/81 55.11-26.....	106.00	95.40
Citation No. 500518 4/14/81 55.12-20.....	72.00	64.80
Citation No. 500520 4/14/81 55.12-30.....	72.00	64.80
 Total Penalties in Docket No. LAKE 81-172-M..	 \$ 798.00	 \$ 718.20

Docket No. LAKE 82-20-M

Citation No. 500519 4/14/81 55.15-1.....	\$ 160.00	\$ 144.00
 Total Penalties in Docket No. LAKE 82-20-M..	 \$ 160.00	 \$ 144.00
 Total Penalties in This Proceeding.....	 \$5,521.00	 \$4,968.90

Richard C. Steffey
Administrative Law Judge

FOOTNOTE START HERE-

1 None of the attorneys who ultimately signed the joint motion participated in its original preparation.