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

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

CIVIL PENALTY PROCEEDING

Docket No. LAKE 85-24
A.C. No. 33-01157-03680

v.

Powhatan No. 4 Mine

QUARTO MINING COMPANY,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On October 30, 1986, the Secretary of Labor filed a motion for approval of a settlement reached by the parties in this case. The violations were originally assessed at \$2850 and the parties propose to settle for \$1324.

This docket contains two alleged violations, one of 30 C.F.R. 70.100(a) because the average concentration of respirable dust in the environment of a designated occupation exceeded 2.0 mg/m³ (it was 3.3 mg/m³); the other alleged violation was of 30 C.F.R. 75.400 because of an accumulation of loose coal along a belt conveyor the first named violation was assessed at \$1000; the second at \$1850. The settlement agreement reduces them to \$424 and \$900.

The motion states that the operator was in the process of revising its dust control plan at the time the citation was issued. A revised plan was submitted in July 1984 and it has been successful in reducing respirable dust violations. With respect to the accumulations violation, the motion states that it resulted from intermittent spillage due to a misaligned belt and would be cleaned up in accordance with its clean up plan. Respondent has a favorable history of prior violations.

I have considered the motion in the light of the criteria in section 110(i) of the Act and conclude that it should be approved.

Accordingly, the settlement is APPROVED and Respondent is ORDERED TO PAY the sum of \$1324 within 30 days of the date of this order.

James A. Broderick
Administrative Law Judge