

CCASE:
SOL (MSHA) V. QUARTO MINING
DDATE:
19861106
TTEXT:

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 85-27
A.C. No. 33-01157-03682

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 \$1000 and the parties propose to settle for \$450.

One violation is charged, of 30 C.F.R. 70.101, because the average respirable dust concentration in the working environment of a designated occupation exceeded. The limit of 1.6 mg/m³ (the dust contained more than 5% quartz). The samples showed an average concentration of 3.4 mg/m³.

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.

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 \$450 within 30 days of the date of this order.

James A. Broderick
Administrative Law Judge