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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

March 14, 1995

CERTIFIED RETURN RECEIPT REQUESTED
P 074 976 177

Paige B. Beville, Manager
Mountain Coal Company
555 Seventeenth Street Room 2170
Denver, Colorado 80202

Re: Finalized Assessment for State Violation #N94-45-1-1, Mountain Coal Company, Gordon Creek #2, #7 & #8 Mine, ACT/007/016, Folder #5, Carbon County, Utah

Dear Ms. Beville:

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ronald W. Daniels'.

Ronald W. Daniels
Assessment Conference Officer

blb
Enclosure
cc: Donna Griffin, OSM, AFO



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

COMPANY/MINE Mountain Coal Co/Gordon Creek #2, #7 & #8 NOV #N94-45-1-1

PERMIT # ACT/007/016

VIOLATION 1 of 1

Assessment Date 3/9/95

Assessment Officer Ronald W. Daniels

Nature of Violation:

Failure to provide sediment control for the drainage form disturbed area.

Date of Termination: Pending, but de facto 12/13/94

		<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1)	History/Previous Violations	<u>0</u>	<u>0</u>
(2)	Seriousness		
	(a) Probability of Occurrence	<u>15</u>	<u>10</u>
	Extent of Damage	<u>—</u>	<u>—</u>
	(b) Hindrance to Enforcement	<u>0</u>	<u>0</u>
(3)	Negligence	<u>8</u>	<u>3</u>
(4)	Good Faith	<u>-0</u>	<u>-0</u>
	Total Points	<u>23</u>	<u>13</u>
	TOTAL ASSESSED FINE		\$ <u>130.00</u>

NARRATIVE:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Seriousness, probability of occurrence, is reduced to reflect that the event, while it is still likely to occur, is less likely than judged previously. The operator cited sediment loading analysis information which confirmed that no damage occurred.

Negligence is maintained in the "ordinary" category, but points are reduced to reflect that the violation area was at a location where it had been reclaimed, at the operators option, maintained as part of the permit area, but still was his responsibility.

blb



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February 24, 1995

Thomas E. Ehmett, Acting Director
Office of Surface Mining
Reclamation and Enforcement
505 Marquette N.W., Ste. 1200
Albuquerque, NM 87102

Re: Updates of Mountain Coal Company Officers, Gordon Creek #2, #7, and #8 Mines, ACT/007/016-94D, Gordon Creek #3 and #6 Mines, ACT/007/017-94B, C.V. Spur, ACT/007/022-94C, Huntington #4 Mine, ACT/015/004-94B, Mountain Coal Company, Folders #3, Carbon and Emery Counties

Dear Mr. Ehmett:

Enclosed please find the updated ownership and control information for Mountain Coal Company that has been input into the AVS system and is approved for incorporation into the above-noted mining and reclamation plans.

Sincerely,


Pamela Grubaugh Littig
Permit Coordinator

cc: Price Field Office

