

0006

File



STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

November 22, 1982

REGISTERED RETURN RECEIPT REQUESTED #05 7075361

AM/015/009

Allen Childs
Natomas Trail Mountain Coal Company
P.O. Box 370
Orangeville, Utah 84537

RE: Finalized
Assessment for
State Violation
No. N82-7-8-2

Dear Mr. Childs:

The civil penalty for the Violation No. N82-7-8-2, has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within thirty days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within thirty days of receipt of the proposed assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty days of your receipt of this letter.

Sincerely,

RW Daniels
RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/lm

cc: Carolyn Driscoll, DOGM
Joe Helfrich, DOGM
Jodie Merriman, OSM

ASSESSMENT CONFERENCE REPORT
 Utah Division of Oil, Gas & Mining
 1588 West North Temple
 Salt Lake City, Utah

NOV/CO No. N82-7-8-2

Location of Conference: Salt Lake City, Utah

Date of Conference: November 15, 1982

Company Name/Mine Name: Natomas Trail Mtn. Coal Co./ Trail Mtn. Mine

<u>Persons in Attendance</u>	<u>Title</u>
<u>Allen Childs</u>	<u>Natomas Trail Mtn. Coal Co.</u>
<u>Ken Wyatt</u>	<u>DOGM</u>
<u>Ronald W. Daniels</u>	<u>DOGM</u>

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>1 of 2</u>	<u>\$ 1,000.00</u>
<u>2 of 2</u>	<u>440.00</u>
<u>Total</u>	<u>1,440.00</u>

Since the operator posted the \$2,580.00 proposed fine by
check #6588 he is due a refund in the amount of \$1,140.00.

Approved: _____

(Signature of Conference Officer)

Date: _____

11/23/82

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 30 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N82-7-8-2

Violation 1 of 2

(a) Nature of violation: Failure to maintain sediment control facilities.

(b) Date of termination: November 2, 1982

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>9</u>	<u>9</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>19</u>	<u>17</u>
Extent of Damage	<u>21</u>	<u>21</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>15</u>	<u>8</u>
(d) Good Faith	<u>--</u>	<u>-5</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>64</u>	<u>50</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

The operator successfully demonstrated that negligence was not as severe as originally estimated since he did not do the actual pond construction. Probability of occurrence has been shifted to the middle of the range for the "occurred" category due to no extraordinary circumstances.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N82-7-8-2

Violation 2 of 2

- (a) Nature of violation: Failure to conduct mining activities in a manner which minimizes changes in the prevailing hydrologic balance.
- (b) Date of termination: October 15, 1982

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>9</u>	<u>9</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>17</u>	<u>17</u>
Extent of Damage	<u>16</u>	<u>8</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>15</u>	<u>8</u>
(d) Good Faith	<u>-10</u>	<u>-10</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>47</u>	<u>32</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Damage was not as great as originally indicated in that fording the stream to make an emergency repair was a necessity and that randomly scattered felled trees are not a violation. The worn down or eroded berm is a violation withstanding and is reassessed as such and reflected in the reduced extent.



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November 22, 1982

REGISTERED RETURN RECEIPT REQUESTED # 805 7075361

Allen Childs
Natomas Trail Mountain Coal Company
P.O. Box 370
Orangevill, Utah 84537

RE: Finalized Assessment for
State Violation
No. C82-7-1-1

Dear Mr. Childs:

The civil penalty for the Violation No. C82-7-1-1, has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within thirty days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within thirty days of receipt of the proposed assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty days of your receipt of this letter.

Sincerely,

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/lm

cc: Jodie Merriman, OSM
Carolyn Driscoll, DOGM
Joe Helfrich, DOGM

ASSESSMENT CONFERENCE REPORT
 Utah Division of Oil, Gas & Mining
 1588 West North Temple
 Salt Lake City, Utah

NOV/CO No. C82-7-1-1Location of Conference: Salt Lake City, UtahDate of Conference: November 15, 1982Company Name/Mine Name: Natomas Trail Mountain Coal Company/Trail Mtn. Mine ACT/015/00

<u>Persons in Attendance</u>	<u>Title</u>
<u>Allen Childs</u>	<u>Natomas Trail Mtn. Coal Co.</u>
<u>Ken Wyatt</u>	<u>DOGM</u>
<u>Ronald W. Daniels</u>	<u>DOGM</u>

Violation No.Amount of Assessment
As Revised1 of 1\$ 760.00

The operator is due a refund in the amount of \$160.00
since he posted the original fine in escrow for this violation
by check #6588 (\$920.00).

Approved: *R. W. Daniels*

(Signature of Conference Officer)

Date: 11/23/82

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 30 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. C82-7-1-1

Violation 1 of 1

(a) Nature of violation: Failure to maintain sediment control.

(b) Date of termination: September 22, 1982

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>9</u>	<u>9</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>19</u>	<u>19</u>
Extent of Damage	<u>21</u>	<u>21</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>14</u>	<u>10</u>
(d) Good Faith	<u>-15</u>	<u>-15</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>48</u>	<u>44</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

The negligence involved in this violation is judged to be not as high as originally estimated. The violation happened as a result of higher than normal precipitation, events having occurred while the operator was waiting for suitable weather to repair his pond. As a result, the pond failed.

P05 7075361

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

PS Form 3800, Apr. 1976 P05 7075361

SENT TO		Mr. Allen Childs
STREET AND NO.		P.O. Box 370
CITY, STATE AND ZIP CODE		Orangeville, UT 84537
POSTAGE		\$
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	€
	SPECIAL DELIVERY	€
	RESTRICTED DELIVERY	€
	OPTIONAL SERVICES	
	RETURN RECEIPT SERVICE	€
	SHOW TO WHOM AND DATE DELIVERED	€
	SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	€
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	€
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	€
TOTAL POSTAGE AND FEES		\$
POSTMARK OR DATE		23 1976

- STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE. CERTIFIED MAIL FEE. CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**
1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
 2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
 3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
 4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
 5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
 6. Save this receipt and present it if you make inquiry.

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