



0009

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

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

file

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

October 5, 1982

CERTIFIED RETURN RECEIPT REQUESTED

Mr. Alan Childes
 Natomas Trail Mtn. Coal Co.
 P.O. Box 370
 Orangeville, Utah 84537

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

Dear Mr. Childes:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the afore-referenced violation(s). The aforesaid violation(s) was issued by Division Inspector Kenneth Wyatt on the 1st of September, 1982. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A request for an assessment conference must be submitted within thirty (30) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violation, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) 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.

You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,

RONALD W. DANIELS
 ACTING ASSESSMENT OFFICER

RWD/mn

cc: OSM, Albuquerque
 Joe Helfrich
 Carolyn Driscoll

Board: Charles R. Henderson, Chairman • John L. Bell • E. Steele McIntyre • Edward T. Beck
 Robert R. Norman • Margaret R. Bird • Herm Olsen

Send w/PA letter

ASSESSMENT WORKSHEET

NOV# ~~A82-75-1~~

PERMIT# ACT/015/009

Name of Company Natomas Trail Mtn Coal Co

Violation # 2 of 2

POINTS

- 1. History of previous violations 9
- 2. Seriousness (either A or B)
 - A. (1) Probability of occurrence 17
 - (2) Extent of potential or actual damage 16
 - B. Obstruction to enforcement —
- Total Seriousness 33
- 3. Negligence 15
- 4. Good Faith (Will be considered after complete information is received) -10

TOTAL POINTS 47

ASSESSMENT \$ 880⁰⁰



✓ Violation # 1 of 2

POINTS

- 1. History of previous violations 9
- 2. Seriousness (either A or B)
 - A. (1) Probability of occurrence 19
 - (2) Extent of potential or actual damage 21
 - B. Obstruction to enforcement —
- Total Seriousness 40
- 3. Negligence 15
- 4. Good Faith (Will be considered after complete information is received) —

TOTAL POINTS 64

ASSESSMENT \$ 1700

ASSESSMENT EXPLANATION

NOV# N82-7-8-2
~~N82-7-5-1~~

PERMIT# ACT/015/009

Name of Company Natomas Trail Mtn Coal Co.

Violation # 1 of ~~#2~~

History of previous violations: N82-2-4-1 of 6/11/82 = 1 pt., N81-1-9-2 of 6/11/82 = 2 pts., VC82-1-1-1 of 5/15/82 = 5 pts., N82-7-5-1 of 8/22/82 = 1 pt. Total = 9 pts.
Seriousness: (either A or B)

A. (1) Probability of occurrence: The violation, failure to maintain sediment control measures to the extent possible is deemed to have resulted in water pollution and sediment loading of Cottonwood Creek. 19 pts.

(2) Extent of actual or potential damage: Damage extended off the permit area. 21 pts.

B. Obstruction to enforcement: —

Negligence: ORDINARY NEGLIGENCE 15 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N82-7-8-2

PERMIT# ACT/015/009

Name of Company Natomas Trail Mtn Coal Co

Violation # 2 of 2

History of previous violations: 9 pts. (See 1 of 2 for detail)

Seriousness: (either A or B)

A. (1) Probability of occurrence: The violation, failure to conduct mining activities in a manner which minimizes changes to the prevailing hydrologic balance is deemed to have resulted in stream pollution occurring. 17 pts.

(2) Extent of actual or potential damage:

Damage extends off the permit area 16 pts.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE 15 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED -10

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED - NOT FOR INTERNATIONAL MAIL

SENT TO **A. Childes**
 Natomas Tl. Mtn. Coal Co.
 STREET AND NO. **0. Box 370**
 P.O. STATE AND ZIP CODE **Orangeville, Utah 84537**

POSTAGE **\$ 84537**

CERTIFIED FEE	\$
SPECIAL DELIVERY	\$
RESTRICTED DELIVERY	\$
SHOW TO WHOM AND DATE DELIVERED	\$
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	\$
SHOW TO WHOM WITH RESTRICTED DELIVERY	\$
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	\$
TOTAL POSTAGE AND FEES	\$

POSTMARK OR DATE **1982 OCT 6**

PS Form 3800, Apr. 1976

- STICK POSTAGE STAMPS TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**
- 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)
 - 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.
 - 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.
 - 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.
 - 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.
 - Save this receipt and present it if you make inquiry.

★ U.S. GOVERNMENT PRINTING OFFICE: 1978: 286-887



PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE: \$300

State of Utah
Natural Resources & Energy
Oil, Gas & Mining
2241 State Office Building
Salt Lake City, Utah 84114

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
 Print your name, address, and ZIP Code in the space below.
 • Complete items 1, 2, and 3 on the reverse.
 • Attach front of article (sealed parcel) or otherwise affix to back of article.
 • Endorse article "Return Receipt Requested" adjacent to number.



(Name of Sender)
 (Street or P.O. Box)
 (City, State, and ZIP Code)

1. The following service is requested (check one).
 Show to whom and date delivered.
 Show to whom, date and address of delivery.
 Show to whom and date delivered.
 Show to whom, date, and address of delivery.
 RESTRICTED DELIVERY.
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$

2. ARTICLE ADDRESSED TO: **A. Childes**
Natomas Trail Mtn. Coal Co.
P.O. Box 370
Orangeville, Utah 84537

3. ARTICLE DESCRIPTION: **POSTAGE**
 REGISTERED NO. **P057075317**
 CERTIFIED NO. **84537**
 INSURED NO.

4. I have received the article described above.
 SIGNATURE *[Signature]*
 ADDRESS Addressed agent
 AUTHORIZED agent

5. ADDRESS (Complete only if requested)
 DATE OF DELIVERY **1982 OCT 7**
 POSTMARK **ORANGEVILLE UT 1982**

6. UNABLE TO DELIVER BECAUSE: **USPS INITIALS**

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

PS Form 3811, Jan. 1978

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