



0026

STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

*File*

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

April 17, 1984

P 396 996 745  
REGISTERED RETURN RECEIPT REQUESTED

Allen Childs  
Natomas Trail Mountain Coal Co.  
P.O. Box 551  
Emery County, Utah 84537

RE: Finalized Assessment for  
State Violation No.  
N83-4-12-1, N 84-4-3-1,  
N84-4-4-1  
ACT/015/009, Folder No. 8  
Emery County, Utah.

Dear Mr. Childs

The civil penalty for the Violation No. N84-4-12-1, N84-4-3-1, N84-4-4-1 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 fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. 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 (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

*Dianne R. Nielson*  
Lorin P. Nielsen  
Acting Assessment  
Conference Officer

LPN:re

cc: Jodie Merriman, OSM, Albuquerque  
Joe Helfrich, DOGM  
Barbara Roberts, Atty

ASSESSMENT CONFERENCE REPORT  
 Utah Division of Oil, Gas & Mining  
 4241 State Office Building  
 Salt Lake City, Utah 84114

NOV/CO No. N83-4-12-1  
N84-4-3-1  
N84-4-4-1

Location of Conference: Division of Oil, Gas and Mining Office, Salt Lake City

Date of Conference: April 6, 1984

Company Name/Mine Name: Natomas Trail Mountain Coal Company/Trail Mountain Mine

Persons in Attendance

Representing

Lorin P. Nielsen  
Dave Lof  
Joe Helfrich  
Allen Childs  
Joe Fields  
Barbara Roberts

Acting Assessment Conference Officer  
Division of Oil, Gas and Mining  
Division of Oil, Gas and Mining  
Natomas Trail Mountain Coal Company  
Natomas Trail Mountain Coal Company  
Assistant Attorney General

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>N83-4-12-1</u>	<u>\$ 480.00</u>
<u>N84-4-3-1</u>	<u>40.00</u>
<u>N84-4-4-1</u>	<u>220.00</u>
<u>TOTAL</u>	<u>\$ 740.00</u>

Approved: *Lorin Nielsen*  
 (Signature of Conference Officer)

Date: April 17, 1984

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 15 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT  
(continued)1. Notice of Violation/Cessation Order No. N83-4-12-1Violation 1 of 1(a) Nature of violation: Dumping Material in undisturbed area.(b) Date of termination: September 29, 1983

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>8</u>	<u>8</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u>12</u>
Extent of Damage	<u>16</u>	<u>16</u>
(2) Obstr. to Enforcement		
(c) Negligence	<u>23</u>	<u>18</u>
(d) Good Faith	<u>- 15</u>	<u>-20</u>
(e) Acreage		
TOTAL	<u>44</u>	<u>34</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.)

History: affirmedSeriousness:Probability: Dumping of material was in undisturbed area, up land from a stream, inside the mine plan area berm, sediment pond, or bond to take care of materials dumped. Deemed likely to occur. Points affirmed.Extent: Potential damage would extend offsite and points affirmed at mid point.Negligence: Material not dumped off permit area, but in permitted, undisturbed area. Material intentionally placed as fill for road, approved by Forrest Service, BLM and County. Reduce to 18 pointsGood Faith: Immediate compliance, easy situation. Change points to 20

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. N84-4-3-1

Violation 1 of 1

(a) Nature of violation: Placement of snow outside permit area.

(b) Date of termination: April 26, 1984

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>1</u>	<u>1</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>3</u>	<u>3</u>
Extent of Damage	<u>9</u>	<u>9</u>
(2) Obstr. to Enforcement	<u>          </u>	<u>          </u>
(c) Negligence	<u>14</u>	<u>10</u>
(d) Good Faith	<u>- 11</u>	<u>-19</u>
(e) Acreage	<u>          </u>	<u>          </u>
TOTAL	<u>16</u>	<u>4</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.)

History: affirmed

Seriousness:

Probability: Affirmed

Extent: Affirmed

Negligence: Snow removal was underway when inspection occurred. Reduce to Negligence to 10

Good Faith: Immediate compliance as snow removed by end of day. Easy situation, even though notice not sent till end of period. Change to 1

ASSESSMENT CONFERENCE REPORT  
(continued)1. Notice of Violation/Cessation Order No. N84-4-4-1Violation 1 of 1(a) Nature of violation: Failure to keep sediment pond inspection records(b) Date of termination: January 30, 1984

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>1</u>	<u>1</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>                    </u>	<u>                    </u>
Extent of Damage	<u>                    </u>	<u>                    </u>
(2) Obstr. to Enforcement	<u>14</u>	<u>14</u>
(c) Negligence	<u>26</u>	<u>26</u>
(d) Good Faith	<u>- 20</u>	<u>- 20</u>
(e) Acreage	<u>                    </u>	<u>                    </u>
TOTAL	<u>21</u>	<u>21</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.)

History: AffirmedSeriousness:Obstruction: AffirmedNegligence: AffirmedGood Faith: Affirmed