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OIL, GAS, AND MINING BOARD

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Executive Director,
NATURAL RESOURCES

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS, AND MINING
1588 West North Temple
Salt Lake City, Utah 84116
(801) 533-5771

CLEON B. FEIGHT
Director

JOHN L. BELL
EDWARD T. BECK
E. STEELE McINTYRE
BOB NORMAN
MARGARET BIRD
HERM OLSEN

August 5, 1981

ACT/OIS/OIS

Mr. Richard M. Holbrook
Consolidation Coal Company
Western Region
2 Inverness Drive East
Englewood, Colorado 80112

RE: Assessment Conference for
State Violation No. N81-3-10-2

Dear Mr. Holbrook:

Pursuant to your request of July 27, 1981, I have established Friday, August 21, 1981, at 9:00 a.m., for the assessment conference on State Violation N81-3-10-2.

The conference will be held in this office.

Please let me know if this arrangement creates any problems for you.

Sincerely,

Ronald W. Daniels

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

cc: Carolyn Driscoll, Legal Specialist
Joe Helfrich, Soils Specialist

Send form letter setting
up 0900 on 8/21/81 for A. Conf.

Ron



Consolidation Coal Company
Western Region
2 Inverness Drive East
Englewood, Colorado 80112
(303) 770-1600

July 27, 1981

RECEIVED
JUL 29 1981

Mr. Ronald W. Daniels
State of Utah
Department of Natural Resources
Division of Oil, Gas and Mining
1588 West North Temple
Salt Lake City, Utah 84116

DIVISION OF
OIL, GAS & MINING

re: Proposed Assessment for State Violation No. N81-3-10-2

Dear Ron:

On behalf of Consolidation Coal Company Emery Mine, I hereby request an assessment conference for State Violation no. 81-3-10-2 to contest the amount of assessment and not the fact of the violations having occurred.

One of the points we wish to present in conference for consideration of assessment points is our good faith in rapidly abating the violations. The Notice was issued on July 1, 1981 and we abated the violations on July 2, 1981. The inspector was notified of the abatement actions on July 2 and issued the termination notice on July 15 with termination effective on July 2, 1981.

If possible, I would prefer that the conference be scheduled sometime after August 17. If you have any questions, please contact me at your convenience.

Sincerely,



Richard M. Holbrook
Supervisor,
Environmental Quality Control

RMH/mcf

cc: J. Badovinac - Emery
D. Bray - Emery
L. Fuller - Denver
J. Higgins - Denver
K. Lucas - Pittsburgh

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CLEON B. FEIGHT
Director

July 14, 1981

CERTIFIED - RETURN RECEIPT REQUESTED

Mr. Dean Bray
Consolidation Coal Company
P.O. box 527
Emery, Utah 84522

RE: Proposed Assessment for
State Violation No. N81-3-10-2

Dear Mr. Bray:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector Thomas L. Portle on July 1, 1981.

The Board of Oil, Gas and Mining has empowered me to act as Assessment Officer and to conduct informal conferences on violations and assessments. This assessment has been computed by me using Rule UMC/SMC 845.2 et. seq.

You may or may not request that the Division establish an assessment conference at this time. If no conference is requested by you within 30 days of your receipt of this letter the violation will be reassessed considering available facts and you will be required to pay the civil penalty as reassessed.

Should you decide to request an assessment conference you must do so in writing within 30 days of your receipt of this letter. Please specify in your request what the nature of your contest to the violation will include. For your ease in responding I have classified those contests as follows:

1. A contest of the amount of the assessment and not the fact of the violation(s) having occurred.
2. A contest of the facts of whether the violation(s) occurred.

Rec'd
July 18, 1981
RT.

Mr. Dean Bray
July 14, 1981
Page Two

This classification has been made to enable the Division time to arrange for a court reporter to establish a record of the proceedings in contests of the facts of a violation.

My decision resulting from the assessment conference may be appealed to the Board in a more formal proceeding.

Sincerely,



RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

ASSESSMENT WORKSHEET

NOV# N81-3-10-2PERMIT# ACT/015/015Name of Company Consolidation Coal CompanyViolation # 1 of 2POINTS

- | | |
|---|-------------------|
| 1. History of previous violations | <u>-</u> |
| 2. Seriousness (either A or B) | |
| A. (1) Probability of occurrence | <u>12</u> |
| (2) Extent of potential or actual damage | <u>16</u> |
| B. Obstruction to enforcement | <u> </u> |
| Total Seriousness | <u>28</u> |
| 3. Negligence | <u>8</u> |
| 4. Good Faith (Will be considered after complete information is received) | <u>-</u> |

TOTAL POINTS 36ASSESSMENT \$ 520.00Violation # 2 of 2POINTS

- | | |
|---|-----------|
| 1. History of previous violations | <u>-</u> |
| 2. Seriousness (either A or B) | |
| A. (1) Probability of occurrence | <u>17</u> |
| (2) Extent of potential or actual damage | <u>20</u> |
| B. Obstruction to enforcement | <u>-</u> |
| Total Seriousness | <u>37</u> |
| 3. Negligence | <u>10</u> |
| 4. Good Faith (Will be considered after complete information is received) | <u>-</u> |

TOTAL POINTS 47ASSESSMENT \$ 880.00

ASSESSMENT EXPLANATION

NOV# N81-3-10-2

PERMIT# ACT/015/015

Name of Company Consolidation Coal Company

Violation # 1 of 2

History of previous violations:

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to pass runoff from the disturbed area through a sediment pond is deemed likely to result in the events of pollution of streamflow by sediment and contaminants occurring. 12 points.

(2) Extent of actual or potential damage:

Damage extends outside the permit area. 16 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N81-3-10-2

PERMIT# ACT/015/015

Name of Company Consolidation Coal Company

Violation # 2 of 2

History of previous violations:

Seriousness: (either A or B)

A. (1) Probability of occurrence:

Failure to maintain sediment control measures is deemed to have resulted in the events of erosion and a contribution of sediment to streamflow. 17 points.

(2) Extent of actual or potential damage:

Damage extends off the permit area. 20 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

10 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED



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E. STEELE McINTYRE

CLEON B. FEIGHT
Director

Vacation or Termination of Notice or Order

To the Following Permittee or Operator:

Name Utah Coal Mining Co. Inc.

Mailing Address 20 and 527 E. 1000 S. Salt Lake City, UT

State Permit No. 1000-1000

Utah Coal Mining and Reclamation Act, Section 40-10-1 et. seq., Utah Code Annotated (1953):

Notice of Violation No. N 7-1-81 71 7 dated 7/1, 1981
Y TV

Cessation Order No. C _____ Y TV dated _____, 19____

Violation No. _____ is hereby _____ Terminated _____ Vacated because:

Violation No. 2 is hereby X Terminated _____ Vacated because:

Violation No. _____ is hereby _____ Terminated _____ Vacated because:

Date of Service 7/1/81 Charles R. Henderson
Signature of Authorized Representative

Time of Service or Mailing 1:35 a.m. 1 p.m. Charles R. Henderson
Name and I.D. No.

Effective date of termination 7/2/81

PERMITEE/OPERATOR

CONSOLIDATION COAL COMPANY

INTER OFFICE COMMUNICATION

TO : Rick Holbrook

DATE : July 20, 1981

FROM : Ron Thompson

AT (OFFICE) : Emery Mine

SUBJECT : OGM Violations

Enclosed are OGM's proposed assessments for the violations received during the July 1, 1981, inspection. The State was notified that these violations were abated on July 2, 1981, and OGM has subsequently inspected and approved the work that was completed and has terminated the violations, effective July 2, 1981.



ENCLOSURES

cc: J. Badovinac
L.C. Fuller
J. Higgins
J. Thompson

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS & MINING

1588 West North Temple
Salt Lake City, Utah 84116
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. N

From the STATE OF UTAH
To the Following Permittee or Operator:

NAME Crescent Coal Co.
 MINE Emery No. 8 SURFACE UNDERGROUND OTHER
 CATEGORY OF OWNERSHIP: STATE FEDERAL FEE MIXED
 OSM MINE NO. _____ STATE PERMIT NO. ACT 1051015 MSHA I.D. NO. _____
 COUNTY AND STATE Utah TELEPHONE 801-226-3111
 MAILING ADDRESS: Box 27 Emery Utah 84502
 DATE OF INSPECTION 3/14/81 19 81
 TIME OF INSPECTION: FROM 10:45 a.m. to 1:15 a.m.
 p.m. to p.m.
 NAME OF OPERATOR (if other than permittee) _____
 MAILING ADDRESS: _____

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the attachment(s). This Notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that cessation of mining is is not expressly or in practical effect required by this Notice. For this purpose "Mining" means extracting coal from the earth or a waste pile and transporting it within or from the minesite.

This Notice shall remain in effect until it expires as provided on the reverse or is modified, terminated or vacated by written notice of an authorized representative of the Director of the Division of Oil, Gas & Mining. The time for abatement may be extended by the authorized representative for good cause, if a request is made within a reasonable time before the end of the abatement period.

Date of Service 3/14/81 SIGNATURE OF AUTHORIZED REPRESENTATIVE [Signature]
 Time of Service 2:15 a.m. p.m. NAME AND I.D. NO. _____
 Person Served with Notice [Name] PRINT NAME AND TITLE _____

Signature [Signature]

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



STATE OF UTAH

NOV #
Cessation Order No. C 81-3-10-3

Violation No. 1 of 9

Nature of Condition, Practice, or Violation

Failure to maintain sediment control practices in
a new additional area of a site for 45 days after
work in the permit area. Failure to maintain sediment
to the extent possible.

Provision(s) of the Regulations, Act, or Permit Violated

UAC 817.45 (2)(c)(ii)

Check Appropriate Box:

- The condition, practice, or violation is creating an imminent danger to the health or safety of the public.
- The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.
- The permittee or operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. _____ within the time for abatement originally fixed or subsequently extended.

Operation(s) to be Ceased Immediately

Breakdown of E...
to the permit area.

Remedial Action
Affirmative Obligation(s) and Time for Abatement (if applicable)

1) Repair berm to prevent erosion
2) Reestablish vegetation to stabilize soil
Time for abatement
30 days as to the... AM... 31-1981



STATE OF UTAH

Cessation Order No. C RT-3-10-2

Violation No. 1 of 2

Nature of Condition, Practice, or Violation

Excessive dust levels from
material storage area located
to road with flow of traffic

Provision(s) of the Regulations, Act, or Permit Violated

UNC RTT 4209(C1)

Check Appropriate Box:

- The condition, practice, or violation is creating an imminent danger to the health or safety of the public
- The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources
- The permittee or operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. N _____ within the time for abatement originally fixed or subsequently extended.

Operation(s) to be Ceased Immediately

Affirmative Obligation(s) and Time for Abatement (if applicable)

Prohibit work from area from 8:00 AM to 5:00 PM
with dust abatement
through abatement