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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

May 4, 1982

#P324-741-414

REGISTERED - RETURN RECEIPT REQUESTED

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

RE: Assessment Conference Report and
Assessment of Civil Penalty
Violation No. N81-2-16-2

Dear Mr. Bray:

Enclosed please find the Division's Assessment Conference Report concerning violations of the Utah Coal Mining and Reclamation Act, U.C.A., 40-10-1, et seq, at the Emery Deep Mine, Emery County, Utah. The civil penalty of \$140.00 is hereby assessed by the Board of Oil, Gas and Mining unless you apply for review and public hearing before the Board within 30 days of receipt of this letter and the Assessment Conference Report.

Should you choose not to seek a public hearing concerning this matter, the civil assessment must be paid to the Division within 30 days of receipt of this letter and the Assessment Conference Report.

Please contact the Division if you have any questions or informational needs.

Sincerely,

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

Enclosure

cc: Assessment Officer
Field Supervisor

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

NOV/CO No. N81-2-16-2

Location of Conference: Salt Lake City, Utah

Date of Conference: March 2, 1982

Company Name/Mine Name: Consolidation Coal Co/Emery Deep Mine - ACT/015/015

<u>Persons in Attendance</u>	<u>Title</u>
<u>Dean Bray, Richard Holbrook</u>	<u>Consolidation Coal Company</u>
<u>Sandra Pruitt, Ron Daniels</u>	<u>Division of Oil, Gas and Mining</u>

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>1 of 2</u>	<u>\$ 140.00</u>
<u>2 of 2</u>	<u>0.00</u>
<u> </u>	<u> </u>
<u>TOTAL</u>	<u>\$140.00</u>

Approved: *RW Daniels*
(Signature of Conference Officer)

Date: 5/4/82

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. N81-2-16-2

Violation 1 of 2

(a) Nature of violation: Operating without a permit and not in accord with the approved plan.

(b) Date of termination: _____

2. Conference Result

	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>2</u>	<u>2</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>-</u>	<u>-</u>
Extent of Damage	<u>-</u>	<u>-</u>
(2) Obstr. to Enforcement	<u>8</u>	<u>4</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>-</u>	<u>-</u>
(e) Acreage	<u>-</u>	<u>-</u>
TOTAL	<u>18</u>	<u>14</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 showed that the obstruction was not as significant as originally estimated.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N81-2-16-2

Violation 2 of 2

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

(b) Date of termination: December 21, 1981.

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>2</u>	<u>-</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>17</u>	<u>-</u>
Extent of Damage	<u>16</u>	<u>-</u>
(2) Obstr. to Enforcement	<u>-</u>	<u>-</u>
(c) Negligence	<u>8</u>	<u>-</u>
(d) Good Faith	<u>-</u>	<u>-</u>
(e) Acreage	<u>-</u>	<u>-</u>
TOTAL	<u>43</u>	<u>-</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 road area on which the violation was issued existed prior to 1977. No evidence was presented which showed a continual use by motorized vehicles to the present time. The use of the points system is waived in this case due to a lack of quantifiable damage and an ambiguity in the degree to which the operator has a continuing responsibility for sediment control. No penalty is assessed but the violation is upheld.