



0025

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

ACT/015/015

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

January 5, 1982

#0367226

Mr. Ron Thompson
Consolidation Coal Company
P.O. Box 527
Emery, Utah 84522

RE: Proposed Assessment for
State Violation No. N81-2-16-2

Dear Mr. Thompson:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector Sandy Pruitt on December 29, 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.

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

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

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: *Ron Thompson Consolidation Coal Company P.O. Box 527 Emery Utah 84522*

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 0367226

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
Shirley Jacobson

4. DATE OF DELIVERY: *1-12-82* POSTMARK: *EMERY JAN 12 1982*

5. ADDRESS (Complete only if requested)
US

6. UNABLE TO DELIVER BECAUSE: *CLERK'S INITIALS 1982*

P.A. #1081-3-16-2 / 1-5-82 / NOT-015-015

P20 0367226

RECEIPT FOR CERTIFIED MAIL

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

SENT TO: *Ron Thompson - Consul*

STREET AND NO.: *P.O. Box 527*

PO, STATE AND ZIP CODE: *Emery, Utah 84522*

POSTAGE: \$

CERTIFIED FEE: c

SPECIAL DELIVERY: c

RESTRICTED DELIVERY: c

OPTIONAL SERVICES:

RETURN RECEIPT SERVICE: SHOW TO WHOM AND DATE DELIVERED: c

SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY: c

SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY: c

SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY: c

TOTAL POSTAGE AND FEES: \$

POSTMARK OR DATE:

PS Form 3800, Apr. 1976 P.A. #1081-3-16-2 / 1-5-82 / NOT-015-015



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 to front of article if space permits, otherwise affix to back of article. Endorse article "Return Receipt Requested" adjacent to number.



RETURN TO

(Name of Sender)
 State of Utah
 Natural Resources & Energy
 Oil Gas & Mining
 4241 State Office Building
 Salt Lake City, Utah 84114

(Street or P.O. Box)

(City, State, and ZIP Code)

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

- STICK POSTAGE STAMPS TO ARTICLE 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.

Mr. Ron Thompson
January 5, 1982
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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# N81-2-16-2PERMIT# ACT/015/015Name of Company Consolidation Coal CompanyViolation # 1 of 2POINTS1. History of previous violations 2

2. Seriousness (either A or B)

A. (1) Probability of occurrence _____

(2) Extent of potential or
actual damage _____B. ~~Obstruction to enforcement~~ 8Total: ~~Seriousness~~ 83. ~~Negligence~~ 84. ~~Good Faith (Will be considered after complete
information is received)~~ -TOTAL POINTS 18ASSESSMENT \$ 180.00Violation # 2 of 2POINTS1. History of previous violations 2

2. Seriousness (either A or B)

A. (1) Probability of occurrence 17(2) Extent of potential or
actual damage 16B. ~~Obstruction to enforcement~~ -Total: ~~Seriousness~~ 333. ~~Negligence~~ 84. ~~Good Faith (Will be considered after complete
information is received)~~ -TOTAL POINTS 43ASSESSMENT \$ 720.00

ASSESSMENT EXPLANATION

NOV# N81-2-16-2

PERMIT# ACT/015/015

Name of Company Consolidation Coal Company

Violation # 1 of 2

History of previous violations: 2 points (N81-3-10-2)

Seriousness: (either A or B)

A. (1) Probability of occurrence:

(2) Extent of actual or potential damage:

B. Obstruction to enforcement:

The violation was for operating without a permit and operating not in accordance with an approved plan. The inspector was hindered in determining if the unapproved delay in reclamation would impede stabilization efforts. 8 points.

Negligence: ORDINARY NEGLIGENCE

8 points.

~~Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED~~

ASSESSMENT EXPLANATION

NOV# N81-2-16-2

PERMIT# ACT/015/015

Name of Company Consolidation Coal Company

Violation # 2 of 2

History of previous violations: 2 points (N81-3-10-2).

Seriousness: (either A or B)

A. (1) Probability of occurrence: ---

The violation was for a failure to maintain sediment control structures to minimize erosion and prevent additional contributions of sediment to streamflow. This violation is deemed to have resulted in erosion and water pollution. 17 points.

(2) Extent of actual or potential damage: ---

Damage would result in damage off the permit area. 16 points.

B. Obstruction to enforcement: ---

Negligence: ORDINARY NEGLIGENCE

8 points.

~~Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED~~