



0008
STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

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

December 19, 1983

CERTIFIED RETURN RECEIPT REQUESTED

Consolidation Coal Company
Mr. Richard M. Holbrook
#2 Inverness Drive East
Englewood, CO 80112

RE: Proposed Assessment for State
Violation No. N83-4-11-2
ACT/015/015, Folder No. 8
Emery County, Utah

Dear Mr. Holbrook:

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 aforereferenced violation(s). The aforesaid violation(s) was issued by Division Inspector David Lof on the 31st day of August 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A written request for an assessment conference must be submitted within fifteen (15) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violaton, 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 finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

A petition to appeal the results of the assessment conference to the Board of Oil, Gas and Mining must be received within fifteen (15) days from the date of service of the finalized assessment along with the assessed penalty which shall be escrowed with the Division of Oil, Gas and Mining pending the outcome of the Board Hearing.

Mr. Holbrook
ACT/015/015
December 16, 1983
Page Two

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/jvb

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

ASSESSMENT WORKSHEET

NOV# N83-4-11-2PERMIT# ACT/015/015Name of Company Consolidation Coal Co./Emery Deep MineViolation No. 1 of 2POINTS

1. History of Previous violations _____

2. Seriousness (either A or B) _____

A. (1) Probability of occurrence _____
(2) Extent of potential or
actual damage _____

B. Hindrance to enforcement _____

Total Seriousness _____

3. Negligence _____

4. Good Faith (Will be considered after complete
information is received) _____

TOTAL POINTS

This part was
vacated per
inspector
notice of
November 1, 1983.

ASSESSMENT

\$ _____

Violation No. 2 of 2POINTS

1. History of Previous violations _____

2. Seriousness (either A or B) _____

A. (1) Probability of occurrence 12
(2) Extent of potential or
actual damage 16B. Hindrance to enforcement -Total Seriousness 283. Negligence 84. Good Faith (Will be considered after complete
information is received) _____

TOTAL POINTS

37

ASSESSMENT

\$540.00

ASSESSMENT EXPLANATION

NOV # N83-4-11-2

PERMIT # ACT/015/015

Name of Company Consolidation Coal Co./Emery Deep Mine

Violation # 2 of 2

History of previous violations: N83-7-1-1 - effective 5/26/83 = 1 point,
N83-4-8-1 is pending..

Seriousness: (either A or B)

A. (1) Probability of occurrence: The violation was issued for a failure to conduct coal mining operations which prevent additional contribution of suspended solids to stream flow and a failure to construct stream channel diversions properly. The event, water pollution is deemed likely to occur = 12 points

(2) Extent of actual or potential damage: Damage extends 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