



0039

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

September 7, 1983

# 996 873

CERTIFIED RETURN RECEIPT REQUESTED

Consolidation Coal Company  
Emery Deep Mine  
Mr. Ron Hughes  
#2 Inverness Drive East  
Englewood, CO 80112

RE: Proposed Assessment for State  
Violation No.  
N83-4-8-1  
ACT/015/015  
Folder No. 8  
Emery County, Utah

Dear Mr. Hughes:

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 aforementioned violation(s). The aforesaid violation(s) was issued by Division Inspector Dave Lof, on the 4th 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 violation, 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. Hughes  
ACT/015/015  
September 7, 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/jv

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

## ASSESSMENT WORKSHEET

NOV# N83-4-8-1PERMIT# ACT/015/015Name of Company Consolidation Coal Co. - Emery Deep Mine

Violation # <u>1</u> of <u>1</u>	<u>POINTS</u>
1. History of previous violations	<u>1</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>12</u>
(2) Extent of potential or actual damage	<u>12</u>
B. Obstruction to enforcement	<u>          </u>
Total Seriousness	<u>24</u>
3. Negligence	<u>8</u>
4. Good Faith (Will be considered after complete information is received)	<u>-20</u>
	<u>          </u>
TOTAL POINTS	<u>13</u>
ASSESSMENT	<u>\$ 130.00</u>

Violation # <u>-</u> of <u>-</u>	<u>POINTS</u>
1. History of previous violations	<u>          </u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>          </u>
(2) Extent of potential or actual damage	<u>          </u>
B. Obstruction to enforcement	<u>          </u>
Total Seriousness	<u>          </u>
3. Negligence	<u>          </u>
4. Good Faith (Will be considered after complete information is received)	<u>          </u>
	<u>          </u>
TOTAL POINTS	<u>          </u>
ASSESSMENT	<u>\$</u> <u>          </u>

ASSESSMENT EXPLANATION

NOV# N83-4-8-1

PERMIT# ACT/015/015

Name of Company Consolidation Coal Co. - Emery Deep Mine

Violation # 1 of 1

History of previous violations: N83-7-1-1 effective 5/26/83 = 1 pt.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

This violation was issued for a failure to operate in accordance with approved plan and a failure to maintain diversions. The event, water pollution, is deemed likely to occur. 12 pts.

(2) Extent of actual or potential damage:

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE 8 pts.

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

Immediate abatement completed by the operator (per inspector statement) - 20 pts.