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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

Route

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

January 21, 1983

CERTIFIED RETURN RECEIPT REQUESTED

POS7075422

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

RE: Proposed #8
Assessment for
State Violation
No. N83-7-1-1
ACT - 015 - 015

Dear Mr. Bray:

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 afore referenced violation(s). The aforesaid violation(s) was issued by Division Inspector Ken Wyatt on the 11th of January 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A request for an assessment conference must be submitted within thirty (30) 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 proposed assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

Mr. Dean Bray
ACT/015/015
January 21, 1983
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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,

A handwritten signature in cursive script that reads "R W Daniels".

RONALD W. DANIELS
ACTING ASSESSMENT
OFFICER

RWD/lm

ASSESSMENT WORKSHEET

NOV# N83-7-1-1PERMIT# ACT/015/015Name of Company Consolidation Coal Co./Emery Deep MineViolation # 1 of 1POINTS

1. History of previous violations	<u>2</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>7</u>
(2) Extent of potential or actual damage	<u>16</u>
B. Obstruction to enforcement	<u>--</u>
Total Seriousness	<u>23</u>
3. Negligence	<u>8</u>
4. Good Faith (Will be considered after complete information is received)	<u>--</u>
TOTAL POINTS	<u>33</u>
ASSESSMENT	<u>\$ 460.00</u>

Violation # -- of --POINTS

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>
TOTAL POINTS	<u> </u>
ASSESSMENT	<u>\$ </u>

ASSESSMENT EXPLANATION

NOV# N83-7-1-1

PERMIT# ACT/015/015

Name of Company Consolidation Coal Co./Emery Deep Mine

Violation # 1 of 1

History of previous violations: N81-2-16-2 effective 6/4/82 = 2 points

Seriousness: (either A or B)

A. (1) Probability of occurrence:
The violation, failure to eliminate coal fires and operating without a permit, is deemed to result in the unlikely occurrence of the following events: uncontrolled burning of the mine wastes, burning the coal outcrop, and air pollution. 7 points

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

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE 8 points

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED