



0007

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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

April 16, 1984

P 396 996 746
REGISTERED RETURN RECEIPT REQUESTED

Mr. Richard Holbrook
Consolidation Coal Company
#2 Inverness Dr. East
Englewood, Colorado 80112

RE: Revised Finalized Assessment
for State Violation No's.
N83-4-11-2, C84-4-1-1
ACT/015/015
Folder No. 8
Emery County, Utah

Dear Mr. Holbrook:

The civil penalty for the Violation No. N83-4-11-2 has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

Lorin P. Nielsen
Acting Assessment
Conference Officer

LPN:re

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

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N83-4-11-2Violation 2 of 2(a) Nature of violation: Failure to conduct coal mining operation
which prevent contribution of suspended
solids to stream flow.(b) Date of termination: February 4, 1984

2. Conference Result	<u>Proposed</u> <u>Assessment</u>	<u>Conference</u> <u>Assessment</u>
(a) History/Prev. Vio.	<u>1</u>	<u>0</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u>0</u>
Extent of Damage	<u>16</u>	<u>0</u>
(2) Obstr. to Enforcement	<u> </u>	<u> </u>
(c) Negligence	<u>8</u>	<u>0</u>
(d) Good Faith	<u> </u>	<u> </u>
(e) Acreage	<u> </u>	<u> </u>
TOTAL	<u>37</u>	<u>vacated by</u> <u>Conference</u> <u>Officer</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.)

Original water monitoring gauge installed based on plans approved by DOGM. Replacement designed by firm used by USGS for such devices. Plans for replacement submitted to DOGM and replacement approved. Thus "best current technology available" used. Flows of mid May to end of June 1983 exceeded standard of UMC 817.44 (b) (2) at least once. Thus no responsibility of operator; penalty vacated in accordance with UMC 845.18(b)(3)(ii).

FINALIZED ASSESSMENT OF CESSATION ORDER
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Consolidation Coal/Emery Deep

CO # C84-4-1-1

PERMIT # ACT/015/015

VIOLATION 1 OF 1

INSPECTOR David Lof

DATE ISSUED 2-1-84

NATURE OF THE CESSATION ORDER: Failure to abate Violation #2 of N83-4-11-2
within the time for abatement.

DATE OF ABATEMENT OF CESSATION ORDER: 2-4-84

DATE OF RECEIPT OF CESSATION ORDER: 2-3-84

LIST THE DAYS OF FAILURE TO ABATE: 2-3-84

TOTAL NUMBER OF DAYS OF FAILURE TO ABATE: one (1)

NUMBER OF DAYS X \$750/DAY = TOTAL PROPOSED ASSESSMENT: \$750.00

FINALIZED ASSESSMENT: Cessation Order vacated by Conference Officer on April
16, 1984 by virtue of Notice of Violation N83-4-11-2, No. 2 of 2 being vacated