

0009



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

File

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

April 6, 1984

P 396 996 740
REGISTERED RETURN RECEIPT REQUESTED

CORRECTED COPY

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

RE: Finalized Assessment for
State Violation No. N83-4-11-2
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,

A handwritten signature in cursive script, appearing to read "Lorin P. Nielsen".

Lorin P. Nielsen
Acting Assessment Officer

LPN:re

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

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Scott M. Matheson, Governor
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April 6, 1984

P 396 996 740
REGISTERED RETURN RECEIPT REQUESTED

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

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

Dear Mr. Holbrook:

The civil penalty for the Violation No. N83-4-4-2 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 Officer

LPN:re

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

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ASSESSMENT CONFERENCE REPORT
Utah Division of Oil, Gas & Mining
4241 State Office Building
Salt Lake City, Utah 84114

NOV/CO No. 83-4-11-2

Location of Conference: Division of Oil, Gas and Mining Office, Salt Lake City

Date of Conference: March 26, 1984

Company Name/Mine Name: Consolidation Coal Company/Emery Deep Mine

Persons in Attendance

Representing

Lorin P. Nielsen
Richard M. Holbrook
Ron Hughes
Louis Meschede
Dave Lof
Joe Helfrich

Acting Assessment Officer
Consolidation Coal Company
Consolidation Coal Company
Consolidation Coal Company
Division of Oil, Gas and Mining
Division of Oil, Gas and Mining

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>N83-4-11-2, 1 of 2</u>	<u>vacated by inspector</u>
<u>N83-4-11-2, 2 of 2</u>	<u>\$ 0</u>
<u> </u>	<u> </u>
<u>TOTAL DUE</u>	<u>\$ 0</u>

Approved: *Louis P. Meschede*
(Signature of Conference Officer)

Date: April 6, 1984

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 15 days of receipt of this report.

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 operations
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>0</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)



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 2, 1984

P 396 996 737
REGISTERED RETURN RECEIPT REQUESTED

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

RE: Finalized Assessment for
State Violation No. N83-4-15-1
ACT/015/015, Folder No. 8
Emery County, Utah County,

Dear Mr. Holbrook:

The civil penalty for the Violation No. N83-4-15-1 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
Lorin P. Nielsen
Acting Assessment
Conference Officer

LPN:re

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

ASSESSMENT CONFERENCE REPORT
 Utah Division of Oil, Gas & Mining
 4241 State Office Building
 Salt Lake City, Utah 84114

NOV/CO No. N83-4-15-1

Location of Conference: Division of Oil, Gas and Mining, Salt Lake City, Utah

Date of Conference: March 26, 1984

Company Name/Mine Name: Consolidation Coal Company/ Emery Deep Mine

Persons in Attendance

Lorin P. Nielsen
David Lot
Joe Helfrich
Richard M. Holbrook
Ron Hughes
Louie Meschede

Representing

Acting Assessment Conference Officer
Division of Oil, Gas and Mining
Division of Oil, Gas and Mining
Consol
Consol
Consol

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>N83-4-15-1</u>	<u>\$ 380.00</u>
<u> </u>	<u> </u>
<u> </u>	<u>\$ 380.00</u>

Approved: *Lorin P. Nielsen*
 (Signature of Conference Officer)

Date: April 2, 1984

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 15 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N83-4-15-1

Violation 1 of 1

- (a) Nature of violation: Failure to conduct water monitoring program
 (b) Date of termination: December 12, 1983

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>1</u>	<u>1</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>-</u>	<u>-</u>
Extent of Damage	<u>-</u>	<u>-</u>
(2) Obstr. to Enforcement	<u>15</u>	<u>15</u>
(c) Negligence	<u>16</u>	<u>16</u>
(d) Good Faith	<u></u>	<u>-3</u>
(e) Acreage	<u></u>	<u></u>
TOTAL	<u>32</u>	<u>29</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.)

Seriousness and negligence points affirmed for reasons statein February 1, 1984 assessment.

Good faith assigned for following; had NOV been issued during inspection 1 week abatement period would have been granted; P.O. to water labs changed by operator within the period, and NOV actually received; abatement not immediate but operator used diligence to abate; therefore rapid compliance applies; abates toward end of 1 week period. Thus 3 points allows for good faith.



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

File

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

March 27, 1984

P492 430 069
CERTIFIED RETURN RECEIPT REQUESTED

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

RE: Cessation Order # C84-4-1-1
Emery Deep Mine
ACT/015/015, Folder #8
Emery County, Utah

Dear Mr. Hughes:

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violation. This violation was issued by Division Inspector David Lof on February 1, 1984. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information, which was submitted by you or your agent within 15 days of receipt of this Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Mr. Lorin Nielson, Assessment Officer, at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will be considered for the final assessment which were not available on the date of the proposed assessment, due to the length of the abatement period.

Sincerely,

Mary Ann Wright
Assessment Officer

MAW/re

cc: J. Merriman, OSM Albuquerque Field Office

WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS
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.

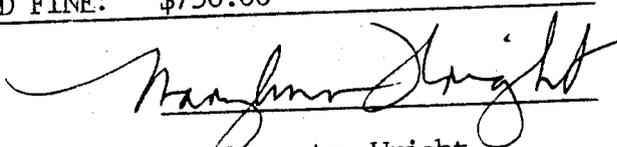
DATE OF ABATEMENT OF CESSATION ORDER: 2-4-84

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 ASSESSED FINE: \$750.00

ASSESSMENT DATE 3-27-84 ASSESSMENT OFFICER 
Mary Ann Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT