



0001
STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File
Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

December 29, 1987

CERTIFIED RETURN RECEIPT REQUESTED
P 001 770 776

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

Dear Mr. Thompson:

Re: Finalized Assessment for State Violation No. N87-9-7-3,
ACT/015/015, Folder #5, Emery County, Utah

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must have escrowed the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail % Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Barbara W. Roberts
Assessment Conference Officer

re

cc: John C. Kathmann, OSM AFO

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
 UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Consolidation Coal/Emery Deep NOV # N87-9-7-3

PERMIT # ACT/015/015 VIOLATION 1 OF 3

Assessment Date 12-4-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to collect ground water monitoring data in the manner approved by the Division.

Date of termination: 8-19-87

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u> </u>	<u> </u>
Extent of Damage	<u> </u>	<u> </u>
(b) Hindrance to Enforcement	<u>22</u>	<u>6</u>
(3) Negligence	<u>20</u>	<u>2</u>
(4) Good Faith	<u>0</u>	<u>-8</u>
TOTAL	<u>42</u>	<u>0</u>
TOTAL ASSESSED FINE		<u>\$ 0</u>

3. Narrative:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Inspector indicated in the assessment conference that the missing information was not of great impact and hindrance points are therefore reduced. The wells at issue are on private property and as a result of the electricity being turned off by the private owner, the monitoring information was not available. The operator was somewhat aware of the potential problem and therefore some negligence is still attributable. Good faith points are awarded for the operator's rapid and long term solutions.

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Consolidation Coal/Emery Deep NOV # N87-9-7-3

PERMIT # ACT/015/015 VIOLATION 2 OF 3

Assessment Date 12-4-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to construct a diversion facility in a manner which would prevent additional erosion to the disturbed area.

Date of termination: 9-3-87

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>0</u>	<u>N/A</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>N/A</u>
Extent of Damage	<u>0</u>	<u>N/A</u>
(b) Hindrance to Enforcement	<u> </u>	<u>N/A</u>
(3) Negligence	<u>0</u>	<u>N/A</u>
(4) Good Faith	<u>0</u>	<u>N/A</u>
 TOTAL	 <u>20</u>	 <u>N/A</u>
	TOTAL ASSESSED FINE	\$ <u>0</u>

3. Narrative:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

This violation is vacated for the reason that the operator is not in violation of UMC 817.45 (iii). That rule requires only that the operator use the best technology currently available to minimize erosion to the extent possible. Since the installed structure was approved by the Division as adequate to meet performance standards and since the operator undisputedly used good faith efforts to minimize erosion, no violation has occurred.

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
 UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Consolidation Coal/ Emery Deep NOV # N87-9-7-3

PERMIT # ACT/015/015 VIOLATION 3 OF 3

Assessment Date 12-4-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to manage an underground opening in a manner which would prevent injury to livestock, wildlife and people.

Date of termination: 8-21-87

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>5</u>	<u>5</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>5</u>	<u>5</u>
(4) Good Faith	<u>- 10</u>	<u>-10</u>
TOTAL	<u>0</u>	<u>0</u>
	TOTAL ASSESSED FINE	<u>\$ 0</u>

3. Narrative:
 (Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)