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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter

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Division Director

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Salt Lake City, Utah 84180-1203

801-538-5340

July 12, 1989

CERTIFIED RETURN RECEIPT REQUESTED
P 075 063 235

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

Dear Mr. Thompson:

Re: Finalized Assessment for State Violation No. N89-28-5-1, ACT/015/015, Folder #5, Emery County, Utah

The civil penalty for the above-referenced violation has been finalized. Please note that no fine has been assessed. 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. Failure to comply with this requirement will result in a waiver of your right of further recourse.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Barbara W. Roberts".

Barbara W. Roberts
Assessment Conference Officer

jb
cc: John C. Kathmann, OSM, AFO
MN37/21

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

COMPANY/MINE Consolidation Coal/Emery Deep

NOV # 89-28-5-1

PERMIT # ACT/015/015

VIOLATION 1 OF 1

Assessment Date 7/12/89

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to prevent, to the extent possible, disturbance to a stream buffer zone.

Date of Termination: 5/22/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>10</u>	<u>3</u>
(b) Hindrance to Enforcement	<u>-</u>	<u>-</u>
(3) Negligence	<u>5</u>	<u>0</u>
(4) Good Faith	<u>-10</u>	<u>-15</u>
TOTAL	<u>25</u>	<u>8</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 area was the subject of a monitoring program in 1985 and 1986 whereby the operator sampled the stream above and below the coal pile. The results indicated that the blowing coal fines had little impact upon the stream. The operator relied upon this and other communications with the Division to assume that the buffer zone issue had been settled. Although the violation is not vacated, damage and negligence points are modified to reflect that evidence.

Further, good faith points are awarded for the reason that the operator had contracted for the clean-up prior to the issuance of the NOV and a significant portion of the coal fines were cleaned up by May 6, 1989.

No civil penalty is assessed.