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Norman H. Bangerter
Governor

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Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

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February 8, 1989

CERTIFIED RETURN RECEIPT REQUESTED
P 001 771 211

Mr. Thomas H. Plate
Consolidation Coal Company
12755 Olive Boulevard
St. Louis, Missouri 63141

Dear Mr. Plate:

Re: Finalized Assessment for State Violation No. N88-28-6-1,
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.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Alan S. Bachman".

Alan S. Bachman
Assessment Conference Officer

jb

cc: John C. Kathmann, OSM, AFO
MN37/8

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

COMPANY/MINE Consolidated Coal Company

NOV # N-88-28-6-1

PERMIT # ACT/015/015

VIOLATION 1 OF 1

Assessment Date 10/14/88

Assessment Officer Alan S. Bachman

Nature of Violation: Alleged failure to comply with water monitoring standards.

Date of Termination: 9/14/88

	<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>0</u>	<u>0</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u>18</u>	<u>0</u>
(3) Negligence	<u>8</u>	<u>0</u>
(4) Good Faith	<u>- 0</u>	<u>- 0</u>
TOTAL	<u>26</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.)

NOV is hereby vacated with concurrence by Division staff. NOV issued due to confusion on the appropriate standards and any failure to comply was for a permit that was not exercised. The hydrology requirements are being met.

jb
 MN34/4