

0002

SCOTT M. MATHESON
Governor



OIL, GAS, AND MINING BOARD

TEMPLE A. REYNOLDS
Executive Director,
NATURAL RESOURCES

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS, AND MINING
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Director

October 19, 1981

#0367504
CERTIFIED - RETURN RECEIPT REQUESTED

CEP/007/006

Mr. Scott Williams
Bishopsgate Coal Corporation
P.O. Box 3357
Park City, Utah 84060

RE: Proposed Assessment for
State Violation No. N81-2-11-3

Dear Mr. Williams:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector Sandy Pruitt on August 21, 1981.

The Board of Oil, Gas and Mining has empowered me to act as Assessment Officer and to conduct informal conferences on violations and assessments. This assessment has been computed by me using Rule UMC/SMC 845.2 et seq.

You may or may not request that the Division establish an assessment conference at this time. If no conference is requested by you within 30 days of your receipt of this letter the violation will be reassessed considering available facts and you will be required to pay the civil penalty as reassessed.

Should you decide to request an assessment conference you must do so in writing within 30 days of your receipt of this letter. Please specify in your request what the nature of your contest to the violation will include. For your ease in responding I have classified those contests as follows:

1. A contest of the amount of the assessment and not the fact of the violation(s) having occurred.
2. A contest of the facts of whether the violation(s) occurred.

Mr. Scott William
October 19, 1981
Page Two

This classification has been made to enable the Division time to arrange for a court reporter to establish a record of the proceedings in contests of the facts of a violation.

My decision resulting from the assessment conference may be appealed to the Board in a more formal proceeding.

Sincerely,



RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

ASSESSMENT WORKSHEET

NOV# N81-2-11-3

PERMIT# CEP/007/006

Name of Company Bishopsgate Coal Company

Violation # 1 of 3 POINTS

- 1. History of previous violations
- 2. Seriousness (either A or B)
 - A. (1) Probability of occurrence
 - (2) Extent of potential or actual damage
 - B. Obstruction to enforcement 18
 - Total Seriousness 18
- 3. Negligence 23
- 4. Good Faith (Will be considered after complete information is received) -10

TOTAL POINTS 31

ASSESSMENT \$ 420.00

Violation # 2 of 3 POINTS

- 1. History of previous violations
- 2. Seriousness (either A or B)
 - A. (1) Probability of occurrence 12
 - (2) Extent of potential or actual damage 12
 - B. Obstruction to enforcement
 - Total Seriousness 24
- 3. Negligence 23
- 4. Good Faith (Will be considered after complete information is received) -10

TOTAL POINTS 37

ASSESSMENT \$ 540.00

ASSESSMENT WORKSHEET

NOV# N81-2-11-3

PERMIT# CEP/007/006

Name of Company Bishopsgate Coal Company

Violation # 3 of 3 POINTS

- 1. History of previous violations _____
- 2. Seriousness (either A or B) _____
 - A. (1) Probability of occurrence 12
 - (2) Extent of potential or actual damage 7
 - B. Obstruction to enforcement _____
 - Total Seriousness 19
- 3. Negligence 23
- 4. Good Faith (Will be considered after complete information is received) _____

TOTAL POINTS 42

ASSESSMENT \$ 680.00

Violation # of POINTS

- 1. History of previous violations _____
- 2. Seriousness (either A or B) _____
 - A. (1) Probability of occurrence _____
 - (2) Extent of potential or actual damage _____
 - B. Obstruction to enforcement _____
 - Total Seriousness _____
- 3. Negligence _____
- 4. Good Faith (Will be considered after complete information is received) _____

TOTAL POINTS _____

ASSESSMENT \$ _____

ASSESSMENT EXPLANATION

NOV# N81-2-11-3

PERMIT# CEP/007/006

Name of Company Bishopsgate Coal Company

Violation # 1 of 3

History of previous violations:

Seriousness: (either A or B)

A. (1) Probability of occurrence:

(2) Extent of actual or potential damage:

B. Obstruction to enforcement:

The violation, failure to file a notice of intention to explore is deemed to have hindered the inspector in his enforcement of the regulations. 18 points.

Negligence: ~~ORDINARY NEGLIGENCE~~

23 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

-10 points.

ASSESSMENT EXPLANATION

NOV# N81-2-11-3

PERMIT# CEP/007/006

Name of Company Bishopsgate Coal Company

Violation # 2 of 3

History of previous violations:

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to prevent erosion and additional contributions of suspended solids to stream flow or runoff is deemed likely to result in the events of water pollution and reduced revegetation potential. 12 points.

(2) Extent of actual or potential damage:

Damage would extend outside the permit area. 12 points.

B. Obstruction to enforcement:

Negligence: ~~ORDINARY NEGLIGENCE~~

23 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

-10 points.

ASSESSMENT EXPLANATION

NOV# N81-2-11-3PERMIT# CEP/007/006Name of Company Bishopsgate Coal CompanyViolation # 3 of 3

History of previous violations:

Seriousness: (either A or B)

A. (1) ~~Probability of occurrence:~~

The violation, failure to remove and store topsoil for redistribution is deemed likely to result in the event, reduced revegetation potential to occur. 12 points.

(2) ~~Extent of actual or potential damage:~~

Damage would remain within the permit area. 7 points.

B. ~~Obstruction to enforcement:~~Negligence: ~~ORDINARY NEGLIGENCE~~

23 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED