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STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

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

September 8, 1983

CERTIFIED RETURN RECEIPT REQUESTED P396 996 759

Mr. Floyd Tucker, Vice-President  
and General Manager  
Plateau Mining Company  
P.O. Box 539  
Price, Utah 84501

RE: Proposed Assessment for State  
Violation No. N83-4-7-3  
ACT/007/006  
Folder No. 8  
Carbon County, Utah

Dear Mr. Tucker:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the aforereferenced violation(s). The aforesaid violation(s) was issued by Division Inspector Dave Lof on the 4th day of August, 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A written request for an assessment conference must be submitted within fifteen (15) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violation, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) days of receipt of the finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

A petition to appeal the results of the assessment conference to the Board of Oil, Gas and Mining must be received within fifteen (15) days from the date of service of the finalized assessment along with the assessed penalty which shall be escrowed with the Division of Oil, Gas and Mining pending the outcome of the Board Hearing.

Mr. Floyd Tucker, Vice-President  
and General Manager  
ACT/007/006  
September 8, 1983  
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You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,



RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

RWD/gb

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

## ASSESSMENT WORKSHEET

NOV# N83-4-7-3PERMIT# ACT/007/006Name of Company Starpoint - Plateau Mining CompanyViolation # 1 of 3POINTS

1. History of previous violations
2. Seriousness (either A or B)

0

- A. (1) Probability of occurrence 12
- (2) Extent of potential or actual damage 7

- B. Obstruction to enforcement --

Total Seriousness

19

3. Negligence

12

4. Good Faith (Will be considered after complete information is received)

--

TOTAL POINTS

31

ASSESSMENT

\$ 420.00Violation # 2 of 3POINTS

1. History of previous violations
2. Seriousness (either A or B)

--

- A. (1) Probability of occurrence 12
- (2) Extent of potential or actual damage 16

- B. Obstruction to enforcement --

Total Seriousness

28

3. Negligence

12

4. Good Faith (Will be considered after complete information is received)

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TOTAL POINTS

40

ASSESSMENT

\$ 600.00

ASSESSMENT WORKSHEET

NOV# N83-4-7-3

PERMIT# ACT/007/006

Name of Company Starpoint - Plateau Mining 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 16

B. Obstruction to enforcement           

Total Seriousness 28

3. Negligence 12

4. Good Faith (Will be considered after complete information is received)           

TOTAL POINTS 40

ASSESSMENT \$ 600.00

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# N83-4-7-3

PERMIT# ACT/007/006

Name of Company Starpoint - Plateau Mining Company

Violation # 1 of 3

History of previous violations: N83-6-1-1 is pending, N83-6-4-2 is pending, N83-4-5-1 is pending. 0 points.

Seriousness: (either A or B)

A. (1) Probability of occurrence: This violation was issued for a failure to operate in accordance with an approved plan and a failure to protect subsoil stockpile. The event, a delay or failure in revegetation is likely to occur 12 points.

(2) Extent of actual or potential damage: Damage did not extend off the permit area.  
7 points

B. Obstruction to enforcement: ----

Negligence: ORDINARY NEGLIGENCE 12 points

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N83-4-7-3

PERMIT# ACT/007/006

Name of Company Starpoint - Plateau Mining Company

Violation # 2 of 3

History of previous violations: See 1 of 1 for detail.

Seriousness: (either A or B)

- A. (1) Probability of occurrence: The violation was issued for a failure to operate in accordance with an approved plan. Sediment contributions to streamflow and erosion were not minimized. Water pollution is likely to have occurred. 12 points.
  
- (2) Extent of actual or potential damage: Damage would extend off the permit area 16 points.

B. Obstruction to enforcement: -----

Negligence: ORDINARY NEGLIGENCE 12 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED -----

ASSESSMENT EXPLANATION

NOV# N83-4-7-3

PERMIT# ACT/007/006

Name of Company Starpoint - Plateau Mining Company

Violation # 3 of 3

History of previous violations: See 1 of 1 for detail.

Seriousness: (either A or B)

A. (1) Probability of occurrence: This violation was issued for a failure to operate in accordance with approved plan and a failure to provide proper discharge structure and sedimentation control measures. Water pollution is likely to occur. 12 points.

(2) Extent of actual or potential damage: Damage would leave the permit area. 16 points.

B. Obstruction to enforcement: -----

Negligence: ORDINARY NEGLIGENCE 12 points

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED