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STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

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

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

January 11, 1984

P 492 430 028  
CERTIFIED RETURN RECEIPT REQUESTED

Mr. Floyd Tucker  
Vice President, General Manager  
Plateau Mining Company  
PO Drawer FMC  
Price, Utah 84501

RE: Proposed Assessment for State  
Violation No. N83-4-14-1  
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 November 12, 1983. I have utilized Rule UMC/SMC 845.2et 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 violaton, 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.~~

Plateau Mining Company

ACT/007/006

January 11, 1984

Page Two

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/sb

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

ASSESSMENT WORKSHEET

NOV# N83-4-14-1

PERMIT# ACT/007/006

Name of Company Plateau Mining Company

Violation No. <u>1</u> of <u>1</u>	<u>POINTS</u>
1. History of Previous violations	<u>4</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>17</u>
(2) Extent of potential or actual damage	<u>22</u>
B. Hindrance to enforcement	<u>-</u>
Total Seriousness	<u>39</u>
3. Negligence	<u>12</u>
4. Good Faith (Will be considered after complete information is received)	<u>-</u>
TOTAL POINTS	<u>55</u>
ASSESSMENT	<u>\$1180.00</u>

Violation No. <u>   </u> of <u>   </u>	<u>POINTS</u>
1. History of Previous violations	<u>          </u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>          </u>
(2) Extent of potential or actual damage	<u>          </u>
B. Hindrance to enforcement	<u>          </u>
Total Seriousness	<u>          </u>
3. Negligence	<u>          </u>
4. Good Faith (Will be considered after complete information is received)	<u>          </u>
TOTAL POINTS	<u>          </u>
ASSESSMENT	<u>\$          </u>

ASSESSMENT EXPLANATION

NOV # N83-4-14-1

PERMIT # ACT/007/006

Name of Company Plateau Mining Company

Violation 1 of 1

History of previous violations: N83-6-4-2 of October 8, 1983 = 2 points, N83-4-5-1 of October 8, 1983, N83-6-1-1 of May 27, 1983 1 point. Total = 4 points

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation was issued for a failure to operate in accordance with an approved mine plan in constructing and maintaining sediment control measures. The events of water pollution and erosion have occurred. 17 points.

(2) Extent of actual or potential damage:

Damage extends off the permit area and could have been very high due to greatly increased surface area. 22 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE A potential problem was pointed out during a previous (July 28, 1983) inspection. 12 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED