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Norman H. Bangerter  
Governor  
Dee C. Hansen  
Executive Director  
Dianne R. Nielson, Ph.D.  
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

*me f.*

June 28, 1989

CERTIFIED RETURN RECEIPT REQUESTED  
p 075 063 163

Mr. Robert E. Barton, P.E.  
Project Director  
Engineering and Construction  
Environmental Power Corporation  
2920 North Academy Boulevard  
Suite 201  
Colorado Springs, Colorado 80907

Dear Mr. Balaz:

Re: Finalized Assessment for State Violation No. N88-30-4-1, ACT/007/007, Folder #5,  
Carbon 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, appearing to read 'Alan S. Bachman'.

Alan S. Bachman  
Assessment Conference Officer

jb  
cc: John C. Kathmann, OSM, AFO  
MN37/14

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

COMPANY/MINE Environmental Power Corporation

NOV # 88-30-4-1

PERMIT # ACT/007/007

VIOLATION 1 OF 1

Assessment Date 10/28/88

Assessment Officer Alan S. Bachman

Nature of Violation: Failure to provide sediment control, or demonstrate through representative sampling over a given period of time that effluent limitation could be achieved.

Date of Termination: 4/21/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>3</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>12</u>	<u>12</u>
Extent of Damage	<u>5</u>	<u>5</u>
(b) Hindrance to Enforcement	<u>0</u>	<u>0</u>
(3) Negligence	<u>12</u>	<u>12</u>
(4) Good Faith	<u>- 0</u>	<u>- 0</u>
TOTAL	<u>32</u>	<u>29</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.)

History points reduced as this company had no prior violations. No fine was assessed as primary responsibility would be on Kaiser Coal Corporation.

jb  
MN34/12