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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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December 14, 1993

CERTIFIED RETURN RECEIPT REQUESTED
P 074 975 378

Mr. Joe Fielder
Sunnyside Mine
General Manager
P.O. Box 99
Sunnyside, UT 84539

Re: Finalized Assessment for State Violation #C93-32-1-1, Sunnyside Coal Company/Sunnyside Mine, ACT/007/007, Folder #5, Carbon County, Utah

Dear Mr. Fielder:

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.

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. To do so, you must escrow the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Ronald W. Daniels".

Ronald W. Daniels
Assessment Conference Officer

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Enclosure

cc: Bernie Freeman, OSM, AFO



WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Sunnyside Coal Company/Sunnyside Mine

CO # C-93-32-1-1

PERMIT # ACT/007/007

VIOLATION 1 OF 1

Date of Abatement of Cessation Order: 5/2/93

Assessment Conference Report: The company made the argument before the Assessment Conference Officer that R645-100-800, "Computation of Time", might be the appropriate rule governing time periods for cessation orders.

Ut. Admin. R645-100-810 states that "except as otherwise provided, computation of time under the R645 Rules is based on calendar days." To apply R645-100-800 to cessation orders (C.O.'s) would negate the usefulness of a C.O. as an enforcement device. It is clear that the provisions of R645-401-420 would apply to C.O.'s so that each day during which such failure (to abate) continues a fine of \$750 applies.

The assessment is finalized as proposed.

Date of Receipt of Cessation Order: 4/28/93

List the days of Failure to Abate: 4

Number of Days x \$750.00/day = TOTAL ASSESSED FINE: \$3,000

Assessment Date 12/10/93

Assessment Officer: Ronald W. Daniels

Proposed Assessment

Final Assessment

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