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

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February 4, 1994

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 978 384

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

Re: Finalized Assessment for State Violation #N92-32-17-1, 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.

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

sm  
Enclosure  
cc: Bernie Freeman, OSM, AFO



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

COMPANY/MINE Sunnyside Coal Company/Sunnyside Mine

NOV #N92-32-17-1

PERMIT # ACT/007/007

VIOLATION 1 of 1

Assessment Date 2/3/94 Assessment Officer Ronald W. Daniels

Nature of Violation:  
Failure to maintain diversions (culverts).

Date of Termination: 4/15/93

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1)History/Previous Violations	<u>10</u>	<u>10</u>
(2)Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>5</u>	<u>5</u>
(b) Hindrance to Enforcement	<u>          </u>	<u>          </u>
(3)Negligence	<u>16</u>	<u>16</u>
(4)Good Faith	<u>-0</u>	<u>-5</u>
Total Points	<u>51</u>	<u>46</u>
TOTAL ASSESSED FINE		\$ <u>840</u>

**NARRATIVE:**

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Difficult abatement, normal compliance points are awarded for good faith. The original final assessment dated 3/16/93 deferred the award of good faith points until the violation was terminated.