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

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June 8, 1993

CERTIFIED RETURN RECEIPT
P 074 975 425

Mr. Bob Eccli
U.S. Fuel Company
P.O. Box 887
Price, Utah 84501

Dear Mr. Eccli:

Re: Re-Assessment for State Violation No. N93-39-3-2, U.S. Fuel Company,
Hiawatha Mine, ACT/007/011, Folder #5, Carbon County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed is the civil penalty re-assessment for the above-referenced violation. The violation was issued by Division Inspector, Stephen J. Demczak on April 29, 1993. Rule R645-401-600 et. sec. has been utilized to formulate the penalties. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalties.

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the penalty.



2. If you wish to review the penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the penalties will become final, and the penalties will be due and payable within thirty (30) days of the re-assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,



Joseph C. Helfrich
Assessment Officer

jbe
Enclosure
cc: Bernie Freeman, OSM

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

COMPANY/MINE U.S. Fuel Company/ Hiawatha Mine

NOV #N93-39-3-2

PERMIT # ACT/007/011

VIOLATION 1 of 2

Assessment Date 06/07/93

Assessment Officer Joseph C. Helfrich

Nature of Violation: Failure to maintain diversions as to comply with R645-301-742.300 and having mining equipment within several diversions.

Date of Termination: 5/20/93

	<u>Proposed Assessment</u>	<u>Re- Assessment</u>
(1) History/Previous Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>0</u>	<u>0</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>-0</u>	<u>-8</u>
Total Points	<u>8</u>	<u>0</u>
TOTAL ASSESSED FINE		\$ <u>0.00</u>

NARRATIVE:

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

Diligence exercised in abating the violation.

jbe :

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

COMPANY/MINE U.S. Fuel Company/ Hiawatha Mine

NOV #N93-39-3-2

PERMIT # ACT/007/011

VIOLATION 2 of 2

Assessment Date 06/07/93

Assessment Officer Joseph C. Helfrich

Nature of Violation: Conducting mining activities outside of the disturbed area at King #6 mine belt outside of the disturbed area.

Date of Termination: 4/29/93

	<u>Proposed Assessment</u>	<u>Re- Assessment</u>
(1) History/Previous Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>-0</u>	<u>-15</u>
Total Points	<u>28</u>	<u>13</u>
TOTAL ASSESSED FINE		\$ <u>130.00</u>

NARRATIVE:

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

Diligence exercised in abating the violation.