



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

Outgoing
C0070013
#3589
K

September 28, 2010

CERTIFIED MAIL

7005 257 00000 4801 5662

Jay Marshall
UtahAmerican Energy Inc.
P O. Box 910
East Carbon, Utah 84520

Subject: Findings of Fact, Conclusions, and Order for Violation #10058 UtahAmerican Energy, Inc., Horse Canyon Mine, C/007/0013

Dear Mr. Marshall:

On September 23, an Informal Conference was held to review the assessment for Violation #10058. As a result of a review of all pertinent data and facts, including those presented in the Informal Conference, the attached document constitutes the findings of fact, conclusions, and order.

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 penalties with the Division within 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 of \$330.00 must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division of Oil, Gas and Mining, c/o Vickie Southwick at the address listed below.

Sincerely,

Dana Dean, P.E.
Associate Director
Assessment Conference Officer

dd/vs

Enclosures

P:\GROUPS\COAL\WP\007013.HOR\Assessment conf letter 10058.doc



U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

7005 2570 0000 4801 5662

OFFICIAL USE

LETTER DATED 9/28/2010
ASSESSMENT LETTER
VIOLATION #10058
JAY MARSHALL

(Enc UTAHAMERICAN ENERGY

Ref C0070013
(End

Total Postage & Fees \$

JAY MARSHALL
P O. BOX 910
EAST CARBON, UTAH 84520

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

COMPANY: UtahAmerican Energy, Inc.
PERMIT: C/007/013 – Lila Canyon Mine
VIOLATION: 10058

ASSESSMENT CONFERENCE OFFICER: Dana Dean

	Proposed Assessment	Final Assessment
(1) History/Previous Violations	<u>0</u>	<u>0</u>
(2) Seriousness	<u>20</u>	<u>20</u>
(3) Negligence	<u>20</u>	<u>15</u>
(4) Good Faith	<u>-10</u>	<u>-20</u>
Total Points	<u>30</u>	<u>15</u>

TOTAL ASSESSED FINE \$330.00

NARRATIVE:

The ditch in question is located along a road that was, at the time, being used heavily by construction equipment. The and inspector both testified that the ditch had been repaired more than once previous to this inspection, and that the damage observed in the inspection had happened that day.

The change in good faith points reflects the fact that the problem was remedied before the NOV was even written up and delivered, and that the repair improved the ditch beyond the design found in the MRP.