



SCOTT M. MATHESON
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON
Executive Director,
NATURAL RESOURCES

STATE OF UTAH

CHARLES R. HENDERSON
Chairman

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL, GAS, AND MINING

CLEON B. FEIGHT
Director

1588 West North Temple
Salt Lake City, Utah 84116
(801) 533-5771

JOHN L. BELL
C. RAY JUVELIN
THADIS W. BOX
MAXILIAN A. FARBMAN
EDWARD T. BECK
E. STEELE McINTYRE

June 30, 1981

#0367469
CERTIFIED - RETURN RECEIPT REQUESTED

Mr. Dan Guy
Beaver Creek Coal Company
P.O. Box AU
Price, Utah 84501

ACT/007/016

RE: Proposed Assessment for
State Violation No. N81-3-7-1

Dear Mr. Guy:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector Thomas L. Portle on June 11, 1981.

The Board of Oil, Gas and Mining has empowered me to act as Assessment Officer and to conduct informal conferences on violations and assessments. This assessment has been computed by me using Rule UMC/SMC 845.2 et. seq.

You may or may not request that the Division establish an assessment conference at this time. If no conference is requested by you within 30 days of your receipt of this letter the violation will be reassessed considering available facts and you will be required to pay the civil penalty as reassessed.

Should you decide to request an assessment conference you must do so in writing within 30 days of your receipt of this letter. Please specify in your request what the nature of your contest to the violation will include. For your ease in responding I have classified those contests as follows:

1. A contest of the amount of the assessment and not the fact of the violation(s) having occurred.
2. A contest of the facts of whether the violation(s) occurred.

Mr. Dan Guy
June 30, 1981
Page Two

This classification has been made to enable the Division time to arrange for a court reporter to establish a record of the proceedings in contests of the facts of a violation.

My decision resulting from the assessment conference may be appealed to the Board in a more formal proceeding.

Sincerely,

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

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

ASSESSMENT WORKSHEET

NOV# N81-3-7-1

PERMIT# ACT/007/016

Name of Company Beaver Creek Coal Company

Violation # 1 of 1 POINTS

1. History of previous violations			-
2. Seriousness (either A or B)			-
A. (1) Probability of occurrence		<u>12</u>	
(2) Extent of potential or actual damage		<u>16</u>	
B. Obstruction to enforcement		-	
Total Seriousness			<u>28</u>
3. Negligence			<u>15</u>
4. Good Faith (Will be considered after complete information is received)			-
			-
	TOTAL POINTS		<u>43</u>
	ASSESSMENT		<u>\$ 720.00</u>

Violation # _____ of _____ POINTS

1. History of previous violations			_____
2. Seriousness (either A or B)			_____
A. (1) Probability of occurrence		_____	
(2) Extent of potential or actual damage		_____	
B. Obstruction to enforcement		_____	
Total Seriousness			_____
3. Negligence			_____
4. Good Faith (Will be considered after complete information is received)			_____

	TOTAL POINTS		_____
	ASSESSMENT		\$ _____

ASSESSMENT EXPLANATION

NOV# N81-3-7-1

PERMIT# ACT/007/016

Name of Company Beaver Creek Coal Company

Violation # 1 of 1

History of previous violations:

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to divert overland flow and shallow groundwater flow in an approved manner is deemed likely to result in increased erosion and a delay in revegetation. 12 points.

(2) Extent of actual or potential damage:

Damage would extend off the permit area. 16 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

15 points

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

Acreage: