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STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

File

December 29, 1982

CERTIFIED RETURN RECEIPT REQUESTED R57075400

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

#8

RE: Proposed
Assessment for
State Violation
N82-2-13-1
ACT/007/016

Dear Mr. Guy:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the afore referenced violation(s). The aforesaid violation(s) was issued by Division Inspector Sandy Pruitt on the 16th of December 1982. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A request for an assessment conference must be submitted within thirty (30) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violation, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) days of receipt of the proposed assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

Mr. Dan Guy
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You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,



RONALD W. DANIELS
ACTING ASSESSMENT
OFFICER

RWD/lm

cc: Joe Helfrich, DOGM
Carolyn Driscoll, DOGM
Jodie Merriman, DOGM

ASSESSMENT WORKSHEET

NOV# N82-2-13-1

PERMIT# ACT/007/016 - Gordon Cr. #2

Name of Company Beaver Creek Coal Company

Violation # 1 of 1

POINTS

- 1. History of previous violations 1
- 2. Seriousness (either A or B)
 - A. (1) Probability of occurrence 18
 - (2) Extent of potential or actual damage 20
 - B. Obstruction to enforcement --
 - Total Seriousness 38
- 3. Negligence 12
- 4. Good Faith (Will be considered after complete information is received) --

TOTAL POINTS 51

ASSESSMENT \$ 1,040.00

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# N82-2-13-1

PERMIT# ACT/007/016 - Gordon Cr. #2

Name of Company Beaver Creek Coal Company

Violation # 1 of 1

History of previous violations: N82-7-3-1 eff. 6/11/82 = 1 point. Total 1 point.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to pass runoff through a treatment facility is deemed to have resulted in the occurrence of water pollution by increased sediment having been released to streamflow. 18 points.

(2) Extent of actual or potential damage:

Damage extends off the permit area. 20 points.

B. Obstruction to enforcement: -----

Negligence: ORDINARY NEGLIGENCE 12 points

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED