



0014

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

FILE

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

May 11, 1982

# P324 741 383

CERTIFIED - RETURN RECEIPT REQUESTED

Mr. David Meyer  
Associate Environmental Coordinator  
Beaver Creek Coal Company  
P. O. Box AU  
Price, Utah 84501

RE: Proposed Assessment for  
State Violation No. N82-7-3-1

Dear Mr. Meyer:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector Ken Wyatt on April 7, 1982.

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. David Meyer  
May 11, 1982  
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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,



RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

Enclosure

cc: Assessment Officer  
Field Supervisor

RWD/btb

ASSESSMENT WORKSHEET

NOY# N82-7-3-1

PERMIT# ACT/007/016

Name of Company Beaver Creek Coal Company/Gordon Creek #2

Violation # 1 of 1 POINTS

|    |  |                  |
|----|--|------------------|
| 1. | History of previous violations   | <u>1</u>         |
| 2. | Seriousness (either A or B)  |                  |
|    | A. (1) Probability of occurrence                                       | <u>18</u>        |
|    | (2) Extent of potential or actual damage                               | <u>16</u>        |
|    | B. Obstruction to enforcement  | <u>--</u>        |
|    | Total Seriousness  | <u>34</u>        |
| 3. | Negligence   | <u>10</u>        |
| 4. | Good Faith (Will be considered after complete information is received) | <u>--</u>        |
|    | TOTAL POINTS   | <u>45</u>        |
|    | ASSESSMENT   | <u>\$ 800.00</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# N82-7-3-1

PERMIT# ACT/007/016

Name of Company Beaver Creek Coal Co./Gordon Creek #2

Violation # 1 of 1

History of previous violations: N81-3-7-1, effective date 10/29/81 - 1 point

Seriousness: (either A or B)

A. (1) Probability of occurrence: The violation, failure to pass runoff through a sediment control structure is deemed to have resulted in the following events occurring: water pollution; stream sedimentation; and, erosion. 18 points

(2) Extent of actual or potential damage: Damage did leave the permit area. 16 points

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE 10 points

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

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RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL

(See Reverse) *ACT/007/016*

SENT TO  
*DAVE MEYER*

STREET AND NO.  
*PO Box AU*

P.O., STATE AND ZIP CODE  
*Price, UT 84501*

POSTAGE \$

CERTIFIED FEE \$

SPECIAL DELIVERY \$

RESTRICTED DELIVERY \$

OPTIONAL SERVICES

RETURN RECEIPT SERVICE

SHOW TO WHOM AND DATE DELIVERED \$

SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY \$

SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY \$

SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY \$

TOTAL POSTAGE AND FEES \$

POSTMARK OR DATE  
*MAY 11 1982*

PS Form 3800, Apr. 1976

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):

- Show to whom and date delivered.....
- Show to whom, date and address of delivery.....
- RESTRICTED DELIVERY Show to whom and date delivered.....
- RESTRICTED DELIVERY Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
*DAVE MEYER*  
*PO Box AU*  
*Price, UT 84501*

3. ARTICLE DESCRIPTION:  
REGISTERED NO. CERTIFIED NO. INSURED NO.  
*324 741 383*

(Always obtain signature of addressee or agent)

I have received the article described above.  
SIGNATURE: *[Signature]* DATE: *[Date]*

4. DATE OF DELIVERY: *5-12-82* POSTMARK: *[Postmark]*

5. ADDRESS (Complete only if requested):  
*P.O. BOX AU*  
*PRICE, UT 84501*

6. UNABLE TO DELIVER BECAUSE: \_\_\_\_\_ CLERK'S INITIALS: \_\_\_\_\_

STAR 670 : 1978-200-048