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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

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

December 30, 1983

P492 430 024

CERTIFIED RETURN RECEIPT REQUESTED

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

**RE: Proposed Assessment for State
Violation No. N83-6-13-1
ACT/007/016, Folder No. 8
Carbon County, Utah**

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 aforereferenced violation(s). The aforesaid violation(s) was issued by Division Inspector Barton Kale on the 7th day of November 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A written request for an assessment conference must be submitted within fifteen (15) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violaton, 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 finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

ASSESSMENT WORKSHEET

NOV# N83-6-13-1

PERMIT# ACT/007/016

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 12
 - (2) Extent of potential or actual damage 16
 - B. Obstruction to enforcement --
- Total Seriousness 28
- 3. Negligence 8
- 4. Good Faith (Will be considered after complete information is received) --

TOTAL POINTS 37

ASSESSMENT \$ 540.00

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# N83-6-13-1

PERMIT# ACT/007/016

Name of Company Beaver Creek Coal Company

Violation # 1 of 1

History of previous violations: N83-2-13-1 of 2/3/83 = 1 pt., N83-6-8-2 is pending.
Total = 1 pt.

Seriousness: (either A or B)

A. (1) Probability of occurrence: The violation was issued for a failure to operate coal exploration in accordance with approved plan and a failure to conduct same in a manner that minimizes damage to the prevailing hydrologic balance. The event deemed likely to occur is water pollution. 12 pts.

(2) Extent of actual or potential damage:

Damage would leave the permit area. 16 pts.

B. Obstruction to enforcement: _____

Negligence: ORDINARY NEGLIGENCE 8 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED