



0008

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 19, 1983

CERTIFIED RETURN RECEIPT REQUESTED

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

RE: Finalized Assessment for
State Violation No. N83-6-8-2
ACT/007/016, Folder No. 8
Carbon County, Utah

Dear Mr. Guy:

The civil penalty for the Violation No. N83-6-8-2 has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/jvb

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty

ASSESSMENT CONFERENCE REPORT
Utah Division of Oil, Gas & Mining
4241 State Office Building
Salt Lake City, Utah 84114

NOV/CO No. N83-6-8-2

Location of Conference: Salt Lake City, Utah

Date of Conference: November 10, 19823

Company Name/Mine Name: Beaver Creek Coal Company

Persons in Attendance

Representing

<u>Dan Gry</u>	<u>Beaver Creek Coal Company</u>
<u>Bart Ke</u>	<u>Division of Oil, Gas & Mining</u>
<u>Ron Dav</u>	<u>Division of Oil, Gas & Mining</u>

Amount of Assessment
As Revised

\$ 560.00

of 2

Vacated per Inspector notice
November 7, 1983

TOTAL DUE

\$ 560.00

Approved: _____ Date: _____
(Signature of Conference Officer)

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 30 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N83-6-8-2
 Violation 1 of 2
 (a) Nature of violation: Failure to maintain sediment control
 (b) Date of termination: August 31, 1983

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>1</u>	<u>1</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>17</u>	<u>17</u>
Extent of Damage	<u>16</u>	<u>16</u>
(2) Obstr. to Enforcement	<u>-</u>	<u>-</u>
(c) Negligence	<u>12</u>	<u>12</u>
(d) Good Faith	<u>-</u>	<u>-8</u>
(e) Acreage	<u>-</u>	<u>-</u>
TOTAL	<u>46</u>	<u>38</u>

3. Narrative:
 (Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Good faith award is made based on an easy abatement and rapid compliance situation.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N83-6-8-2

Violation 2 of 2

(a) Nature of violation: Failure to protect off site areas.

(b) Date of termination: _____

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>1</u>	<u>Vacated Based on Inspector notice of November 7, 1983</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	_____
Extent of Damage	<u>16</u>	_____
(2) Obstr. to Enforcement	<u>-</u>	_____
(c) Negligence	<u>12</u>	_____
(d) Good Faith	<u>-</u>	_____
(e) Acreage	<u>-</u>	_____
TOTAL	<u>41</u>	_____

3. Narrative:
(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)