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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

September 7, 1983

996 876

CERTIFIED RETURN RECEIPT REQUESTED

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

RE: Proposed Assessment for State
Violation No.
N83-6-8-2
ACT/007/015
Folder No. B
Carbon County, Utah

Dear Mr. Gry:

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 2nd day of August, 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 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 finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

A petition to appeal the results of the assessment conference to the Board of Oil, Gas and Mining must be received within fifteen (15) days from the date of service of the finalized assessment along with the assessed penalty which shall be escrowed with the Division of Oil, Gas and Mining pending the outcome of the Board Hearing.

Mr. Dan Guy
ACT/007/016
September 7, 1983
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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/jv

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

ASSESSMENT WORKSHEET

NOV# N83-6-8-2PERMIT# ACT/007/016Name of Company Beaver Creek Coal CompanyViolation # 1 of 2

	<u>POINTS</u>
1. History of previous violations	<u>1</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>17</u>
(2) Extent of potential or actual damage	<u>16</u>
B. Obstruction to enforcement	<u> </u>
Total Seriousness	<u>33</u>
3. Negligence	<u>12</u>
4. Good Faith (Will be considered after complete information is received)	<u> </u>
TOTAL POINTS	<u>46</u>
ASSESSMENT	<u>\$ 840.00</u>

Violation # 2 of 2

	<u>POINTS</u>
1. History of previous violations	<u>1</u>
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	<u> </u>
Total Seriousness	<u>28</u>
3. Negligence	<u>12</u>
4. Good Faith (Will be considered after complete information is received)	<u> </u>
TOTAL POINTS	<u>41</u>
ASSESSMENT	<u>\$ 640.00</u>

ASSESSMENT EXPLANATION

NOV# N83-6-8-2

PERMIT# ACT/007/016

Name of Company Beaver Creek Coal Company

Violation # 1 of 2

History of previous violations: N83-2-13-1 of 2/3/83 = 1 pt.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation was issued for a failure to maintain sediment control measures.
The event of water pollution is deemed to have occurred. 17 pts.

(2) Extent of actual or potential damage:

Damage has left the permit area. 16 pts.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE 12 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N83-6-8-2

PERMIT# ACT/007/016

Name of Company Beaver Creek Coal Company

Violation # 2 of 2

History of previous violations: N83-2-13-1 of 2/3/83 = 1 pt.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation was issued for a failure to protect off site areas. The event of unspecified environmental damage is deemed likely to occur. 12 pts.

(2) Extent of actual or potential damage:

Damage would extend off site. 16 pts.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE 12 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED