



0024

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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

October 15, 1984

REGISTERED RETURN RECEIPT REQUESTED
402 457 405

Mr. Dan Guy
Beaver Creek Coal Company
P. O. Box 1378
Price, Utah 84501

Dear Mr. Guy:

RE: Finalized Assessment for State Violation No. N84-06-05-01,
ACT/007/016, Folder #7, Carbon County, Utah

The civil penalty for the violation No. N84-06-05-01 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,

Lorin P. Nielsen
Acting Assessment Officer

re
cc: Donna Griffin, OSM Albuquerque
Joe Helfrich
Barbara Roberts
03900

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

NOV/CO No. N84-6-5-1

Location of Conference: Salt Lake City, Utah

Date of Conference: September 20, 1984

Company Name/Mine Name: Beaver Creek Coal/Gordon Creek #2

Persons in Attendance

Lorin P. Nielsen

Barton Kale

Dan Guy

Representing

Natural Resources and Energy

Division of Oil, Gas and Mining

Beaver Creek Coal Company

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>N84-6-5-1</u>	<u>\$ 1260.00</u>
<u> </u>	<u> </u>
<u>TOTAL</u>	<u>\$ 1260.00</u>

Approved: *Lorin P. Nielsen* Date: 10/17/84
(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 15 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-6-5-1Violation 1 of 1(a) Nature of violation: Failure to mine in compliance within
water quality laws and regulations
(b) Date of termination: July 16, 1984

2. Conference Result	<u>Proposed</u> <u>Assessment</u>	<u>Conference</u> <u>Assessment</u>
(a) History/Prev. Vio.	<u>2</u>	<u>2</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>25</u>	<u>25</u>
(2) Obstr. to Enforcement		
(c) Negligence	<u>15</u>	<u>12</u>
(d) Good Faith		<u>-2</u>
(e) Acreage		
TOTAL	<u>62</u>	<u>57</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.)

History: AffirmedProbability: The pond is 1/2 mile from a perennial stream. The discharge would have reached the stream. Event occurred. AffirmedExtent: Discharge was into an ephemeral stream, but would have reached the perennial stream. Affirmed.Negligence: Operator knew and was seeking DOGM clarification on how to correct lesser degree of negligence. Change to 12 points.Good Faith: Had to obtain equipment and trucking contractor offsite.Difficult situation. Soil conditions and weather slowed compliance as well as other work priorities. Completed within extended time allowed. Allow 2 points.