



0007

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

September 18, 1986

CERTIFIED RETURN RECEIPT REQUESTED
P 001 720 859

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

Dear Mr. Guy:

RE: Finalized Assessment for State Violation No. N86-4-2-1
ACT/007/016, Folder #8, Carbon County, Utah

The civil penalty for the above referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts which were not available on the date of the proposed assessment, due to the length of the abatement period.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must have escrowed the assessed civil penalty 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 this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division and mail % Jan Brown at the address listed above.

Thank you for your cooperation.

Sincerely,

Barbara W. Roberts
Barbara W. Roberts
Assessment Conference Officer

re

cc: Donna Griffin, OSM Albuquerque Field Office
0450Q

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Beaver Creek/Gordon #2&7 NOV # N86-4-2-1
 PERMIT # ACT/007/016 VIOLATION 1 OF 1
 Assessment Date 9-11-86 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to construct and maintain Class I road to control or minimize erosion and siltation. Failure to prevent to extent possible, additional contributions of suspended solids to streamflow.

Date of termination: June 16, 1986

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>5</u>	<u>3</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>10</u>	<u>10</u>
Extent of Damage	<u>8</u>	<u>8</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>5</u>	<u>5</u>
(4) Good Faith	<u>0</u>	<u>-10</u>
 TOTAL	 <u>28</u>	 <u>16</u>
	TOTAL ASSESSED FINE	<u>\$ 160.</u>

3. Narrative:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Good Faith awarded for the reason that the abatement deadlines for temporary controls and submission of plans were met. The date set for completion of the work was obviously erroneous since the work would have had to be completed in just four days. The time period between conditional approval and final completion was reasonable and therefore, given the confusion regarding dates, the operator has been awarded the maximum good faith points for a normal compliance for a difficult abatement.