



0021

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

February 19, 1986

CERTIFIED RETURN RECEIPT REQUESTED
P 001 720 819

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

Dear Mr. *Dan* Guy:

RE: Finalized Assessments for State Violation No.'s C85-8-2-1, N85-8-5-1, N85-8-6-1, ACT/007/016, Folder # 8, Carbon County, Utah

The civil penalties for the above referenced violations have been finalized. These assessments have been finalized as a result of a review of all pertinent data and facts which were not available on the date of the proposed assessments, 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 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 this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, these assessed civil penalties 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,

Dianne R. Nielson
for Constance K Lundberg
Assessment Conference Officer

re

cc: Donna Griffin, OSM Albuquerque Field Office
B. Roberts, Attorney Generals Office
9099Q

WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Beaver Creek/Gordon Creek CO # C85-8-2-1
PERMIT # ACT/007/016 VIOLATION 1 OF 1
INSPECTOR Tom Wright DATE ISSUED June 4, 1985
NATURE OF THE CESSATION ORDER: Failure to abate N85-8-5-1
DATE OF ABATEMENT OF CESSATION ORDER: _____
DATE OF RECEIPT OF CESSATION ORDER: _____
LIST THE DAYS OF FAILURE TO ABATE: _____

TOTAL NUMBER OF DAYS OF FAILURE TO ABATE: _____
NUMBER OF DAYS X \$750/DAY = TOTAL ASSESSED FINE: _____

Vacate the Cessation Order because the evidence was that there was no violation.

ASSESSMENT DATE 2-19-86

for Deanne R. Nielson
Constance K. Lundberg
ASSESSMENT CONFERENCE OFFICER

_____ PROPOSED ASSESSMENT X FINAL ASSESSMENT

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

COMPANY/MINE Beaver Creek/Gordon Creek NOV # N85-8-5-1
 PERMIT # ACT/007/016 VIOLATION 1 OF 1

Nature of violation: Failure to prevent contributions of sediment to streamflow or to runoff outside the permit area.

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>9</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>12</u>	<u>0</u>
Extent of Damage	<u>13</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>8</u>	<u>0</u>
(4) Good Faith	<u>0</u>	<u>0</u>
 TOTAL	 <u>42</u>	 <u>0</u>
	TOTAL ASSESSED FINE	\$ <u>Vacated</u>

3. Narrative:

CO C85-8-2-1 and NOV N85-8-5-1 are vacated because the evidence was that there was no violation.

Assessment Date 2-19-86

Deanne R. Nielson
 for Constance K. Lundberg
 Assessment Conference Officer

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

COMPANY/MINE Beaver Creek/Gordon Creek NOV # N85-8-6-1
 PERMIT # ACT/007/016 VIOLATION 1 OF 1

Nature of violation: Failure to prevent additional contributions of sediment to streamflow.

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>9</u>	<u>9</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>7</u>	<u>7</u>
Extent of Damage	<u>9</u>	<u>9</u>
(b) Hindrance to Enforcement	<u></u>	<u></u>
(3) Negligence	<u>7</u>	<u>7</u>
(4) Good Faith	<u>-5</u>	<u>- 10</u>
TOTAL	<u>27</u>	<u>22</u>
	TOTAL ASSESSED FINE	<u>\$ 240</u>

3. Narrative:

Leave assessed points in place but increase good faith points to -10, change ease of compliance from easy to difficult.

Assessment Date 2-19-86

Dionne R. Nielson
 Constance K. Lundberg
 Assessment Conference Officer