



0050

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

May 3, 1988

CERTIFIED RETURN RECEIPT REQUESTED  
P 001 717 740Mr. Dan Guy  
Beaver Creek Coal Co.  
P. O. Box 1378  
Price, Utah 84501

Dear Mr. Guy:

Re: Finalized Assessment for State Violation No. N88-22-1-1,  
ACT/007/016, Folder #5, 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 including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

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 thirty (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, mail % Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

  
Alan S. Bachman  
Assessment Conference Officerre  
cc: John C. Kathmann, OSM AFO

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

COMPANY/MINE Beaver Creek Coal Co./Gordon Creek #2 Mine NOV # 88-22-1-1

PERMIT # ACT/007/016

VIOLATION 1 OF 1

Assessment Date 4-12-88

Assessment Officer Alan S. Bachman

Nature of violation: Failed to monitor water at high and low flows.

Date of termination: \_\_\_\_\_

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	_____	_____
(2) Seriousness		
(a) Probability of Occurrence	_____	_____
Extent of Damage	_____	_____
(b) Hindrance to Enforcement	<u>19</u>	<u>13</u>
(3) Negligence	<u>12</u>	<u>3</u>
(4) Good Faith	<u>0</u>	<u>0</u>
TOTAL	<u>31</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.)

Operator thought that "biannual" monitoring did not require monitoring at high and low flows. The letter of February 3, 1987 from Mr. Hedberg of the Division to Mr. Guy of Beaver Creek, should have put Bear Creek on notice of the "high flow-low flow" requirement. Nevertheless, I am reducing the hindrance and negligence points since the MRP amendment could have been more specific.

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