



0070

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

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January 11, 1988

CERTIFIED RETURN RECEIPT REQUESTED
P 001 717 779

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

Dear Mr. Guy:

Re: Finalized Assessment for State Violation No. N87-26-7-1,
ACT/007/017, 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,

Barbara W. Roberts
Assessment Conference Officer

re

cc: John C. Kathmann, OSM AFO

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

COMPANY/MINE Beaver Creek/Gordon Creek 3&6 NOV # N87-26-7-1

PERMIT # INA/007/017 VIOLATION 1 OF 1

Assessment Date 12-16-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to clean and maintain culverts to avoid plugging and collapse on Class II road.

Date of termination: 8-21-87

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>1</u>	<u>1</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>4</u>	<u>4</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>12</u>	<u>0</u>
(4) Good Faith	<u>0</u>	<u>- 18</u>
 TOTAL	 <u>17</u>	 <u>0</u>
	TOTAL ASSESSED FINE	\$ <u>0</u>

3. Narrative:

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

Negligence points eliminated for the reason that of the culverts in question, one was not a requirement of the MRP, one still had enough capacity to pass the design event, and one had been installed with a curve by a previous owner and the current operator had no indication that the culvert was blocked. Good faith awarded for rapid abatement of a difficult situation.