



SCOTT M. MATHESON
Governor

OIL, GAS, AND MINING BOARD

TEMPLE A. REYNOLDS
Executive Director,
NATURAL RESOURCES

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS, AND MINING
1588 West North Temple
Salt Lake City, Utah 84116
(801) 533-5771

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Chairman

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Director

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BOB NORMAN
MARGARET BIRD
HERM OLSEN

August 19, 1981

Act/007/021

#0367493

Mr. Joseph A. Harvey
Blazon Company
P.O. Box 327
Ferron, Utah 84523

RE: Proposed Assessment for
State Violation No. N81-2-9-1

Dear Mr. Harvey:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector Sandy Pruitt on August 7, 1981.

The Board of Oil, Gas and Mining has empowered me to act as Assessment Officer and to conduct informal conferences on violations and assessments. This assessment has been computed by me using Rule UMC/SMC 845.2 et. seq.

You may or may not request that the Division establish an assessment conference at this time. If no conference is requested by you within 30 days of your receipt of this letter the violation will be reassessed considering available facts and you will be required to pay the civil penalty as reassessed.

Should you decide to request an assessment conference you must do so in writing within 30 days of your receipt of this letter. Please specify in your request what the nature of your contest to the violation will include. For your ease in responding I have classified those contests as follows:

1. A contest of the amount of the assessment and not the fact of the violation(s) having occurred.
2. A contest of the facts of whether the violation(s) occurred.

Mr. Joseph A. Harvey
August 19, 1981
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This classification has been made to enable the Division time to arrange for a court reporter to establish a record of the proceedings in contests of the facts of a violation.

My decision resulting from the assessment conference may be appealed to the Board in a more formal proceeding.

Sincerely,

Ronald W. Daniels

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

ASSESSMENT WORKSHEET

NOV# N81-2-9-1

PERMIT# ACT/007/021

Name of Company Blazon Coal Company

Violation # 1 of 1

POINTS

- 1. History of previous violations 2
- 2. Seriousness (either A or B)
 - A. (1) Probability of occurrence 10
 - (2) Extent of potential or actual damage 4
 - B. Obstruction to enforcement _____
- Total Seriousness 14
- 3. Negligence 8
- 4. Good Faith (Will be considered after complete information is received) -

TOTAL POINTS 24

ASSESSMENT \$ 280.00

Violation # _____ of _____

POINTS

- 1. History of previous violations _____
- 2. Seriousness (either A or B)
 - A. (1) Probability of occurrence _____
 - (2) Extent of potential or actual damage _____
 - B. Obstruction to enforcement _____
- Total Seriousness _____
- 3. Negligence _____
- 4. Good Faith (Will be considered after complete information is received) _____

TOTAL POINTS _____

ASSESSMENT \$ _____

ASSESSMENT EXPLANATION

NOV# N81-2-9-1

PERMIT# ACT/007/021

Name of Company Blazon Coal Company

Violation # 1 of 1

History of previous violations: 2 points (N80-1-7-3)

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to comply with the terms and conditions of the permit is deemed likely to result in a delay in revegetation due to topsoil loss. 10 points.

(2) Extent of actual or potential damage:

Damage would remain within the permit area. 4 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

0367493 P20

PS Form 3800, Apr. 1976

REPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED—
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

SENT TO: Joe Harvey - Blayton
 STREET AND NO.: P.O. Box 327
 P.O., STATE AND ZIP CODE: Turon, Utah 84523

POSTAGE \$

CERTIFIED FEE \$

OPTIONAL SERVICES

CONSULT POSTMASTER FOR FEES	
SPECIAL DELIVERY	\$
RESTRICTED DELIVERY	\$
RETURN RECEIPT SERVICE	\$
SHOW TO WHOM AND DATE DELIVERED	\$
SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	\$
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	\$
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	\$

TOTAL POSTAGE AND FEES \$ 1.70

POSTMARK OR DATE

1981

F.A. # 181-29-1/ART-007-027
 181918

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space.

1. The following service is requested (check one.)
 Show to whom and date delivered.
 Show to whom, date and address of delivery.
 RESTRICTED DELIVERY Show to whom and date delivered.
 RESTRICTED DELIVERY Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: Joe Harvey
Blayton Company
P.O. Box 327
Turon, Utah 84523

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 0367493 CERTIFIED NO. UN2 INSURED NO. UC

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE (Addressee) Joe Harvey (Authorized agent)

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS W

1981

(City, State, and ZIP Code)

(Street or P.O. Box)

(Name of Sender)

RETURN TO

UNITED STATES POSTAL SERVICE
 OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

State of Utah
 Department of Natural Resources
 Division of Oil, Gas, & Mining
 1588 West North Temple
 Salt Lake City, Utah

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE: \$300

- STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**
1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
 2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
 3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
 4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
 5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
 6. Save this receipt and present it if you make inquiry.