

0003

SCOTT M. MATHESON
Governor



OIL, GAS, AND MINING BOARD

TEMPLE A. REYNOLDS
Executive Director,
NATURAL RESOURCES

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Director

October 19, 1981

#0367503

CERTIFIED - RETURN RECEIPT REQUESTED

ACT/007/022

Mr. Dan Guy
Chief Engineer
Beaver Creek Coal Company
P.O. Box AU
Price, Utah 84501

RE: Proposed Assessment for
State Violation No. N81-4-2-1 2-1

Dear Mr. Guy:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector David Lof on September 18, 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 you 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. Dan Guy
October 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
ACTING ASSESSMENT OFFICER

RWD/te

ASSESSMENT WORKSHEET

NOV# N81-4-2-1

PERMIT# ACT/007/022

Name of Company Beaver Creek Coal Company

Violation # 1 of 1

POINTS

- 1. History of previous violations -
- 2. Seriousness (either A or B)
 - A. (1) Probability of occurrence 12
 - (2) Extent of potential or actual damage 4
 - B. Obstruction to enforcement -
 - Total Seriousness 16
- 3. Negligence 8
- 4. Good Faith (Will be considered after complete information is received) -

TOTAL POINTS 24

ASSESSMENT \$ 280

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# N81-4-2-1PERMIT# ACT/007/022Name of Company Beaver Creek Coal CompanyViolation # 1 of 1

History of previous violations:

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to construct and maintain sediment control measures in accordance with the design is deemed likely to result in additional contributions of sediment to stream flow, unnecessary erosion and reduced revegetation potential. 12 points.

(2) Extent of actual or potential damage:

Damage would not extend outside the permit area. 4 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED