



0010

STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

ACT/007/022
Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

March 18, 1982

#0367281

REGISTERED - RETURN RECEIPT REQUESTED

Mr. David Chenoweth
Beaver Creek Coal Company
P.O. Box AU
Price, Utah 84501

RE: Finalized Assessment for
State Violation No. N82-1-2-2

Dear Mr. Chenoweth:

The civil penalty from the violation, No. N81-1-2-2, has been finalized in the amount shown on the attached assessment conference report. The assessment is finalized as a result of the meeting, discussion, or letter described on the reassessment form.

The civil penalty for this notice of violation is due and payable to the Division within 30 days of your receipt of this letter. Appeal of this violation to the Board of Oil, Gas and Mining may be done by contacting the Secretary to the Board at the above address and arranging for a hearing.

Thank you for your cooperation.

Sincerely,

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

cc: Assessment Officer
Field Supervisor

Enclosures

ASSESSMENT CONFERENCE REPORT
Utah Division of Oil, Gas & Mining
1588 West North Temple
Salt Lake City, Utah

NOV/CO No. N82-1-2-2

Location of Conference: Salt Lake City, Utah

Date of Conference: March 12, 1982

Company Name/Mine Name: Beaver Creek Coal Co./C.V. Spur - ACT/007/022

<u>Persons in Attendance</u>	<u>Title</u>
<u>Dave Chenoweth, Dave Meyer, Dan Guy</u>	<u>Beaver Creek Coal Company</u>
<u>Joe Helfrich, Ron Daniels</u>	<u>Division of Oil, Gas and Mining</u>

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>1 of 2</u>	<u>\$ 0.00</u>
<u>2 of 2</u>	<u>Vacated</u>
<u> </u>	<u> </u>

Approved: *Ronald W Daniels*
(Signature of Conference Officer)

Date: 3/19/82

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 30 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N82-1-2-2

Violation 1 of 2

(a) Nature of violation: Failure to protect topsoil.

(b) Date of termination: Pending

2. Conference Result	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio.	1	-
(b) Seriousness		
(1) (Probability of Occurrence)	17	-
Extent of Damage	4	-
(2) Obstr. to Enforcement	-	-
(c) Negligence	8	-
(d) Good Faith	-	-
(e) Acreage	-	-
TOTAL	30	-

3. Narrative:

*See below.

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

The use of the points system is waived in assessing the penalty for this violation. No assessment is made. The operator demonstrated that he had taken extraordinary measures to stabilize and protect the topsoil stockpiles yet there was some potential for loss.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N82-1-2-2

Violation 2 of 2

(a) Nature of violation: Failure to pass runoff through a sediment pond.

(b) Date of termination: Pending

2. Conference Result

	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio.	1	Violation Vacated.
(b) Seriousness		*See below.
(1) Probability of Occurrence	16	
Extent of Damage	12	
(2) Obstr. to Enforcement	-	
(c) Negligence	8	
(d) Good Faith	-	
(e) Acreage	-	
TOTAL	37	

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

This alleged violation was demonstrated to have occurred on a road and turn around area which are remote from the main coal preparation operation and are used infrequently. It is vacated due to the nature of the area involved in the violation.

ASSESSMENT WORKSHEET

NOV# N82-1-2-2PERMIT# ACT/007/022Name of Company Beaver Creek Coal CompanyViolation # 1 of 2 POINTS

- | | |
|---|-----------|
| 1. History of previous violations | <u>1</u> |
| 2. Seriousness (either A or B) | |
| A. (1) Probability of occurrence | <u>17</u> |
| (2) Extent of potential or actual damage | <u>4</u> |
| B. Obstruction to enforcement | <u>-</u> |
| Total Seriousness | <u>21</u> |
| 3. Negligence | <u>8</u> |
| 4. Good Faith (Will be considered after complete information is received) | <u>-</u> |

TOTAL POINTS 30ASSESSMENT \$ 400.00Violation # 2 of 2 POINTS

- | | |
|---|-----------|
| 1. History of previous violations | <u>1</u> |
| 2. Seriousness (either A or B) | |
| A. (1) Probability of occurrence | <u>16</u> |
| (2) Extent of potential or actual damage | <u>12</u> |
| B. Obstruction to enforcement | <u>-</u> |
| Total Seriousness | <u>28</u> |
| 3. Negligence | <u>8</u> |
| 4. Good Faith (Will be considered after complete information is received) | <u>-</u> |

TOTAL POINTS 37ASSESSMENT \$ 540.00

ASSESSMENT EXPLANATION

NOV# N82-1-2-2

PERMIT# ACT/007/022

Name of Company Beaver Creek Coal Company

Violation # 1 of 2

History of previous violations: N81-4-2-1, 1 point.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to adequately protect topsoil, is deemed to have resulted in the following events having occurred. Topsoil loss and contamination. 17 points.

(2) Extent of actual or potential damage:

Damage did not extend off-site. 4 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N82-1-2-2

PERMIT# ACT/007/022

Name of Company Beaver Creek Coal Company

Violation # 2 of 2

History of previous violations: N81-4-2-1, 1 point.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to pass disturbed area runoff through a sediment pond, is deemed to have resulted in the occurrence of the following events. Pollution and sediment loading to off-site waters. 16 points.

(2) Extent of actual or potential damage:

Damage did extend off-site to approximately 1/3 - 1/2 acre. 12 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

P20 0367281

RECEIPT FOR CERTIFIED MAIL

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

SENT TO		<i>David Chenoweth-Blair</i>	
STREET AND NO.		<i>P.O. Box 111</i>	
P.O., STATE AND ZIP CODE		<i>Prew, Utah 84501</i>	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	\$
		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		\$	
POSTMARK OR DATE			

EA 7182-1-2-2 / 3-18-82 /

PS Form 3800, Apr. 1976