

0003



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

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

December 16, 1983

CERTIFIED RETURN RECEIPT REQUESTED

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

RE: Finalized Assessment for  
State Violation No. N83-6-7-1  
C. V. Spur  
ACT/007/022, Folder No. 8  
Carbon County, Utah

Dear Mr. Guy:

The civil penalty for the Violation No. N83-6-7-1 has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

RWD/jvb

cc: Jodie Merriman, OSM, Albuquerque  
Joe Helfrich, DOGM  
Barbara Roberts, Atty

ASSESSMENT CONFERENCE REPORT  
Utah Division of Oil, Gas & Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

NOV No. N83-6-7-1

Location of Conference: Salt Lake City, Utah

Date of Conference: November 10, 1983

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

Persons in Attendance

Representing

Dan Gry

Beaver Creek Coal Company

Bart Kale

Division of Oil, Gas & Mining

Ron Daniels

Division of Oil, Gas & Mining

Violation No.

Amount of Assessment  
As Revised

1 of 1

\$ 540.00

Total Due

\$ 540.00

Approved:

*Ron Daniels*  
(Signature of Conference Officer)

Date:

12/16/83

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 Order No. N83-6-7-1

Violation 1 of 1

(a) Nature of violation: Failure to conduct operations which minimize changes to the prevailing hydrologic balance.

(b) Date of termination: August 11, 1983

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	-	-
(b) Seriousness		
(1) Probability of Occurrence	17	17
Extent of Damage	16	12
(2) Obstr. to Enforcement	-	-
(c) Negligence	12	8
(d) Good Faith	-	-
(e) Acreage	-	-
TOTAL	45	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.)

E. O. D. is reduced due to damage being less than originally estimated. That is, some doubt exists on the consistency of the quality of the discharge constituting the violation. The inspector's test results showed that a 70 ppm TSS level was discovered and the operators test results from a sample taken three hours later showed 34ppm TSS.

Negligence is reduced due to the operator's showing that he was discharging due to an emergency in his preparation plant (allowed under NPDES).