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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

July 8, 1988

CERTIFIED RETURN RECEIPT REQUESTED  
P 879 596 497

Mr. C. P. Allen  
Soldier Creek Coal Company  
P. O. Box 1  
Price, Utah 84521

Dear Mr. Allen:

Re: Finalized Assessment for State Violation No. N88-13-1-1, ACT/007/034, 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,

A handwritten signature in black ink, appearing to read 'Alan S. Bachman'.

Alan S. Bachman  
Assessment Conference Officer

vb  
cc: J. Kathmann, OSM AFO  
0644Q-5

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

COMPANY/MINE Soldier Creek Coal Company NOV # N88-13-1-1  
 PERMIT # ACT/007/034 VIOLATION 1 OF 1  
 Assessment Date May 9, 1988 Assessment Officer Alan S. Bachman

Nature of violation: Failure to prevent offsite sediment deposits and water pollution.

Date of termination: April 28, 1988

	<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>20</u>	<u>20</u>
Extent of Damage	<u>12</u>	<u>8.5</u>
(b) Hindrance to Enforcement	<u>-</u>	<u>-</u>
(3) Negligence	<u>10</u>	<u>7.5</u>
(4) Good Faith	<u>-10</u>	<u>-10</u>
 TOTAL	 <u>33</u>	 <u>27</u>
	TOTAL ASSESSED FINE	\$ <u>340</u>

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

Based on testimony from the telephone Assessment Conference held June 29, 1988, it was apparent that extent of damage and negligence were a little high under the circumstances.