



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

File

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June 19, 1991

CERTIFIED RETURN RECEIPT
P 074 979 085

Mr. Alan Noble
Western States Minerals
4975 Van Gordon Street
Wheat Ridge, Colorado 80033

Dear Mr. Noble:

Re: Re-Assessment for State Violation No. N91-35-2-1, J.B. King Mine, ACT/015/002,
Folder #5, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R614-401.

Enclosed is the proposed civil penalty re-assessment for the above-referenced violation. The violation was issued by Division Inspector, Susan M. White on April 1, 1991. Rule R614-401-600 et. sec. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Under R614-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.
2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt

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of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,


Joseph C. Helfrich
Assessment Officer

jbe
Enclosure

**WORKSHEET FOR RE-ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE Western States Minerals/J.B. King NOV #N91-35-2-1

PERMIT # ACT/015/002 VIOLATION 1 of 1

Assessment Date 06/17/91 Assessment Officer Joe Helfrich

Nature of
Violation: Erosion Control

Date of Termination: 06/17/91

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>1</u>	<u>1</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>5</u>	<u>5</u>
(b) Hindrance to Enforcement	<u>0</u>	<u>0</u>
(3) Negligence	<u>18</u>	<u>18</u>
(4) Good Faith	<u>-0</u>	<u>-15</u>
Total Points	<u>44</u>	<u>29</u>
TOTAL ASSESSED FINE		<u>\$ 380.00</u>

NARRATIVE:

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

Permittee exercised diligence in abating the violation.

jbe