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OIL, GAS, AND MINING BOARD

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Executive Director,  
NATURAL RESOURCES

0017

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

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E. STEELE McINTYRE

CLEON B. FEIGHT  
Director

May 12, 1981

#0367341

REGISTERED - RETURN RECEIPT REQUESTED

Mr. Ken Wongerout  
Beaver Creek Coal Company  
P.O. Box AU  
Price, Utah 84501

RE: Assessment Conference Report  
and Assessment of Civil Penalty  
Violation No. N81-3-3-3

Dear Mr. Wongerout:

Enclosed please find the Division's Assessment Conference Report concerning violations of the Utah Coal Mining and Reclamation Act, U.C.A., 40-10-1, et seq., at the Huntington Canyon #4 Mine, Emery County, Utah. The civil penalty of \$420.00 is hereby assessed by the Board of Oil, Gas and Mining unless you apply for review and public hearing before the Board within 30 days of receipt of this letter and the Assessment Conference Report.

Should you choose not to seek a public hearing concerning this matter, the civil assessment must be paid to the Division within 30 days of receipt of this letter and the Assessment Conference Report.

Please contact the Division if you have any questions or informational needs.

Sincerely,

*Ronald W. Daniels*

RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

RWD/te

cc: Inspector  
Assessment Officer

Enclosure

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

NOV/CO No. N81-3-3-3

Location of Conference: Salt Lake City, Utah

Date of Conference: May 21, 1981

Company Name/Mine Name: Beaver Creek Coal Company/ Huntington Canyon #4

<u>Persons in Attendance</u>	<u>Title</u>
<u>Ken Wongerout, Dan Guy</u>	<u>Beaver Creek Coal Company</u>
<u>Tom Portle, Ron Daniels</u>	<u>Division of Oil, Gas and Mining</u>
<u> </u>	<u> </u>

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>1 of 3</u>	<u>\$ 100.00</u>
<u>2 of 3</u>	<u>160.00</u>
<u>3 of 3</u>	<u>160.00</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

Approved: *Ronald B. Daniel* Date: 5/28/81  
(Signature of Conference Officer)

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. N81-3-3-3

Violation 1 of 3

(a) Nature of violation: Failure to operate in accordance with approved plan.

(b) Date of termination: March 26, 1981

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>-</u>	<u>-</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>7</u>	<u>7</u>
Extent of Damage	<u>12</u>	<u>4</u>
(2) Obstr. to Enforcement	<u>-</u>	<u>-</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>-</u>	<u>-10</u>
(e) Acreage	<u>1</u>	<u>1</u>
TOTAL	<u>28</u>	<u>10</u>

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

The Division failed to demonstrate that damage would leave the permit area. Good faith was demonstrated.

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. N81-3-3-3

Violation 2 of 3

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

(b) Date of termination: March 26, 1981

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	-	-
(b) Seriousness		
(1) Probability of Occurrence	<u>15</u>	<u>15</u>
Extent of Damage	<u>4</u>	<u>2</u>
(2) Obstr. to Enforcement	-	-
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	-	<u>-10</u>
(e) Acreage	<u>1</u>	<u>1</u>
TOTAL	<u>28</u>	<u>16</u>

3. Narrative:

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

Damage was demonstrated to be slight. Good faith was demonstrated.

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. N81-3-3-3  
 Violation 3 of 3  
 (a) Nature of violation: Failure to store non-coal waste in a controlled manne  
 (b) Date of termination: March 26, 1981

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>-</u>	<u>-</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>15</u>	<u>15</u>
Extent of Damage	<u>4</u>	<u>2</u>
(2) Obstr. to Enforcement	<u>-</u>	<u>-</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>-</u>	<u>-10</u>
(e) Acreage	<u>1</u>	<u>1</u>
TOTAL	<u>28</u>	<u>16</u>

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

Damage was demonstrated to be slight. Good faith was demonstrated.