

0020



SCOTT M. MATHESON
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON
Executive Director,
NATURAL RESOURCES

STATE OF UTAH

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL, GAS, AND MINING

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Director

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Salt Lake City, Utah 84116
(801) 533-5771

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E. STEELE McINTYRE

April 2, 1981

#0367127

REGISTERED - RETURN RECEIPT REQUESTED

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

RE: Proposed Assessment for
State Violation No. N81-3-3-3

Dear Mr. Guy:

Enclosed you will find the proposed civil penalty assessment for this violation as cited by Division Inspector Joseph C. Helfrich.

The Board of Oil, Gas and Mining has empowered me to act as Assessment Officer and to conduct informal conferences on violations and assessments. This assessment has been computed by me using the Board's guidelines.

You may appear at an informal conference to appeal both the violation and the assessment to me. I have established Tuesday, April 21, 1981, at 8:30 a.m., for your conference on this assessment. If you do not wish to have a conference on this assessment or cannot appear on the day established, please let me know.

My decision on the assessment as a result of the conference may be appealed by you to the Board in a more formal proceeding.

Sincerely,

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

cc: Assessment Officer
Inspector

ASSESSMENT WORKSHEET

NOV# N81-3-3-3PERMIT# ACT/015/004Name of Company Beaver Creek Coal CompanyViolation # 1 of 3POINTS

1. History of previous violations	<u>---</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>7</u>
(2) Extent of potential or actual damage	<u>12</u>
B. Obstruction to enforcement	<u>---</u>
Total Seriousness	<u>19</u>
3. Negligence	<u>8</u>
4. Good Faith (Will be considered after complete information is received)	<u>---</u>
5. Acreage	<u>1</u>
TOTAL POINTS	<u>28</u>
ASSESSMENT	<u>\$ 360</u>

Violation # 2 of 3POINTS

1. History of previous violations	<u>0</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>15</u>
(2) Extent of potential or actual damage	<u>4</u>
B. Obstruction to enforcement	<u>---</u>
Total Seriousness	<u>12</u>
3. Negligence	<u>8</u>
4. Good Faith (Will be considered after complete information is received)	<u>---</u>
5. Acreage	<u>1</u>
TOTAL POINTS	<u>21</u>
ASSESSMENT	<u>\$ 220</u>

ASSESSMENT WORKSHEET

NOV# N81-3-3-3

PERMIT# ACT/015/004

Name of Company Beaver Creek Coal Company

Violation # 3 of 3

POINTS

1. History of previous violations	<u>---</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>15</u>
(2) Extent of potential or actual damage	<u>4</u>
B. Obstruction to enforcement	<u>---</u>
Total Seriousness	<u>19</u>
3. Negligence	<u>8</u>
4. Good Faith (Will be considered after complete information is received)	<u>---</u>
5. Acreage	<u>1</u>
TOTAL POINTS	<u>28</u>
ASSESSMENT	<u>\$ 360</u>

~~Violation # _____ of _____~~

~~POINTS~~

1. History of previous violations	_____
2. Seriousness (either A or B)	_____
 A. (1) Probability of occurrence	_____
 (2) Extent of potential or actual damage	_____
 B. Obstruction to enforcement	_____
Total Seriousness	_____
3. Negligence	_____
4. Good Faith (Will be considered after complete information is received)	_____
5. Acreage	_____
TOTAL POINTS	_____
ASSESSMENT	\$ _____

ASSESSMENT EXPLANATION

NOV# 81-3-3-3

PERMIT# ACT/015/004

Name of Company Beaver Creek Coal Company

Violation # 1 of 3

History of previous violations: None

Seriousness: (either A or B)

A. (1) Probability of occurrence: The violation, failure to operate in accordance with approval plan, would result in the following event, which were unlikely to occur: (1) increased erosion; (2) additional sediment contribution to streamflow. 7 pts.

(2) Extent of actual or potential damage: Damage would have left the permit area had the event(s) occurred. 12 pts.

B. Obstruction to enforcement: --

Negligence: ORDINARY NEGLIGENCE = 8 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

Acreage: Acreage points are assigned on the basis of the area involved in this particular violation. <10 Acres = 1 pt.

ASSESSMENT EXPLANATION

NOV# N81-3-3-3

PERMIT# ACT/015/004

Name of Company Beaver Creek Coal Company

Violation # 2 of 3

History of previous violations: None

Seriousness: (either A or B)

A. (1) Probability of occurrence: The violation, failure to protect topsoil, is deemed to have had the event, loss of topsoil by erosion occur. 15 pts.

(2) Extent of actual or potential damage: Topsoil has been contaminated by flowing into the sediment pond, but has not left the permit area. 4 pts.

B. Obstruction to enforcement: --

Negligence: ORDINARY NEGLIGENCE = 8 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

Acreage: 0-10 acres involved in this violation. 1 pt.

ASSESSMENT EXPLANATION

NOV# N81-3-3-3

PERMIT# ACT/015/004

Name of Company Beaver Creek Coal Company

Violation # 3 of 3

History of previous violations: None

Seriousness: (either A or B)

A. (1) Probability of occurrence: The violation, failure to store non-coal waste in a controlled manner is deemed to have caused the event, a decrease in the productivity of surficial material to occur. 15 pts.

(2) Extent of actual or potential damage: Damage has not left the permit area. 4 pts.

B. Obstruction to enforcement: --

Negligence: ORDINARY NEGLIGENCE = 8 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

Acreage: 0-10 acres. 1 pt.

P20 0367127

RECEIPT FOR CERTIFIED MAIL

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

SENT TO	Dan Guy - BCCC	
	PC Box AU	
STREET AND NO.	PRICE, UT 84501	
PO, STATE AND ZIP CODE	PRICE, UT 84501	
POSTAGE	\$	
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	\$
	SPECIAL DELIVERY	\$
	RESTRICTED DELIVERY	\$
	OPTIONAL SERVICES	\$
	RETURN RECEIPT SERVICE	\$
TOTAL POSTAGE AND FEES	\$	
POSTMARK OR DATE	4-2-81	

APR 05 1981

PS Form 3800, Apr. 1976

PS Form 3811, Jan. 1979

① **SENDER:** Complete items 1, 2, and 3. Add your address in the "RETURN" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered.
 Show to whom, date and address of delivery.
 RESTRICTED DELIVERY Show to whom and date delivered.
 RESTRICTED DELIVERY. Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**
Dan Guy - BCCC
PC Box AU
PRICE, UT 84501

3. **ARTICLE DESCRIPTION:**
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 0367127 1

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
 R. Hansen

4. **DATE OF DELIVERY:** APR 8 1981 **POSTMARK:**

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:** **CLERK'S INITIALS:**

GPO : 1979-288-848

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

PRIME
APR 8 1981
84501

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

State of Utah
 Department of Natural Resources
 Division of Oil, Gas, & Mining
 1508 West North Temple
 Salt Lake City, Utah 84116



(Name of Sender)
 (Street or P.O. Box)
 (City, State, and ZIP Code)

- STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE CERTIFIED MAIL FEE. AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**
1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
 2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
 3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends. If space permits, otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
 4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
 5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipts requested, check the applicable blocks in Item 1 of Form 3811.
 6. Save this receipt and present it if you make inquiry.

GPO : 1979 O - 288-848