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STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

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

February 3, 1983

REGISTERED RETURN RECEIPT REQUESTED

AC/007/016
AC/007/017
AC/015/004

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

RE: Finalized Assessment for State Violation No.s N82-2-9-1, N82-2-12-1, and N82-2-13-1

Dear Mr. Guy:

The civil penalty for the Violation No.s N82-2-9-1, N82-2-12-1, and N82-2-13-1, 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 thirty days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within thirty days of receipt of the proposed assessment. 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 days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

RW Daniels

RONALD W. DANIELS
ACTING ASSESSMENT
OFFICER

RWD/lm

cc: Barbara Roberts, A. G.'s Office
Joe Helfrich, DOGM
Jodie Merriman, OSM, Albuquerque

Enclosure

Board/Charles R. Henderson, Chairman • John L. Bell • E. Steele McIntyre • Edward T. Beck
Robert R. Norman • Margaret R. Bird • Herm Olsen

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

NOV/XO No. N82-2-9-1, N82-2-12-1, N82-2-13-1

Location of Conference: Salt Lake City, Utah

Date of Conference: February 2, 1983

Company Name/Mine Name: Beaver Creek Coal Company/Gordon Cr. #2, Gordon Cr. #316, Huntington Cyn. #4

Persons in Attendance	Title
Dan Gray, Scott Raymond	Beaver Creek Coal Company
Sandra Pruitt	DOGM
Ron Daniels	"

Violation No.	Amount of Assessment As Revised
N82-2-9-1	$ 500.00
N82-2-12-1	640.00
N87-Z-13	560.00
TOTAL	1,700.00

The operator is due a refund in the amount of $780.00 due to his having escrowed a civil penalty in the amount of $2,480.00 by check #1441.

Approved: RW Daniels (Signature of Conference Officer) Date: 2/4/83

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/~~Cessation Order~~ No. N82-2-9-1

Violation 1 of 1

(a) Nature of violation: Failure to meet effluent limitations.

(b) Date of termination: December 29, 1982

2. Conference Result	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio.	-	-
(b) Seriousness		
(1) Probability of Occurrence	17	15
Extent of Damage	16	12
(2) Obstr. to Enforcement		-
(c) Negligence	12	8
(d) Good Faith	-	-
(e) Acreage	-	-
TOTAL	45	35

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

Seriousness is reduced due to the damage as described by the inspector and the operator being minimal. Negligence is reduced to the mid-range due to no showing or comment having been made which expresses that more than ordinary negligence is involved with the violation.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/~~Cease and Desist Order~~ No. N82-2-12-1

Violation 1 of 1

(a) Nature of violation: Failure to treat disturbed area runoff

(b) Date of termination: January 5, 1983

2. Conference Result	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio.	0	0
(b) Seriousness		
(1) Probability of Occurrence	17	17
Extent of Damage	16	16
(2) Obstr. to Enforcement	-	-
(c) Negligence	8	12
(d) Good Faith	-	4
(e) Acreage	-	-
TOTAL	41	41

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

Good faith points are awarded for rapid compliance under an easy abatement situation. Negligence points are increased due to previous warnings having been issued.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/~~Cease and Order~~ No. N82-2-13-1

Violation 1 of 1

(a) Nature of violation: Failure to pass runoff through a treatment facility

(b) Date of termination: January 18, 1983 (eff. January 15, 1983)

2. Conference Result	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio.	1	1
(b) Seriousness		
(1) Probability of Occurrence	18	18
Extent of Damage	20	15
(2) Obstr. to Enforcement	--	--
(c) Negligence	12	8
(d) Good Faith	--	-4
(e) Acreage	--	
TOTAL	51	38

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

Seriousness and negligence are less than originally estimated. Good faith points for normal compliance in a difficult abatement situation are awarded.