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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

December 27, 1982

CERTIFIED RETURN RECEIPT REQUESTED P057075371

Mr. Allen Childs
Natomas Trail Mountain Coal Company
P.O. Box 370
Orangeville, Utah 84537

#8

RE: Proposed Assessment for
State Violation
No. N82-7-7-1
ACT/015/009

Dear Mr. Childs:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the aforereferenced violations(s). The aforsaid violation(s) was issued by Division Inspector Ken Wyatt on the 9th of December 1982. I have utilized Rule UMC/SMC 845.2 et seq. to formulate the proposed penalty.

A request for an assessment conference must be submitted within thirty (30) days after receipt of this letter. Should you request an assessment conference you may contest either the occurence of the violation, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) 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.

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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You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,

RW Daniels

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/lm

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Carolyn Driscoll, DOGM

ASSESSMENT WORKSHEET

NOV# N82-7-7-1

PERMIT# ACT/015/009

Name of Company Natomas Trail Mountain Coal Company

Violation # 1 of 1

			POINTS
1. History of previous violations			16
2. Seriousness (either A or B)			
A. (1) Probability of occurrence	20		
(2) Extent of potential or actual damage	20		
B. Obstruction to enforcement	--		
Total Seriousness			40
3. Negligence			21
4. Good Faith (Will be considered after complete information is received)			--
		TOTAL POINTS	77
		ASSESSMENT	$ 4,240.00

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)			
		TOTAL POINTS	
		ASSESSMENT	$

ASSESSMENT EXPLANATION

NOV# N82-7-7-1

PERMIT# ACT/015/009

Name of Company Natomas Trail Mtn. Coal Company

Violation # 1 of 1

History of previous violations: C82-1-1-1 of 5/15/82 = 5 pts., N82-2-4-1 of 6/11/82 = 1 pt N81-1-9-2 of 6/11/82 = 2 pts., N82-7-5-1 of 8/22/82- 1 pt. N82-7-8-2 of 12/22/82 = 2 pts., C82-7-1-1 of 12/22/82 = 5 pts., Total = 16 points.

Seriousness: (either A or B)

A. (1) Probability of occurrence: The violation, failure to pass surface drainage from the disturbed area through a sedimentation pond or treatment facility, resulted in the occurence of the event of stream siltation and increased sediment added to streamflow. 20 points.

(2) Extent of actual or potential damage:
Damage extends off the permit area. 20 points.

B. Obstruction to enforcement: ---------

Negligence: ORDINARY NEGLIGENCE 21 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED -----