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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

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

December 16, 1983

CERTIFIED RETURN RECEIPT REQUESTED

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

RE: Proposed Assessment for State
Violation No. N83-4-10-1
ACT/015/009, Folder No. 8
Emery County, Utah

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 violation(s). The aforesaid violation(s) was issued by Division Inspector David Lof on the 15th day of August 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A written request for an assessment conference must be submitted within fifteen (15) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violaton, 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 finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

A petition to appeal the results of the assessment conference to the Board of Oil, Gas and Mining must be received within fifteen (15) days from the date of service of the finalized assessment along with the assessed penalty which shall be escrowed with the Division of Oil, Gas and Mining pending the outcome of the Board Hearing.

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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,



RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/sb

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty

ASSESSMENT WORKSHEET

NOV# N83-4-10-1

PERMIT# ACT/015/009

Name of Company Natomas Trail Mountain Coal Co.

Violation No. 1 of 1

	<u>POINTS</u>
1. History of Previous violations	<u>8</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>-</u>
(2) Extent of potential or actual damage	<u>-</u>
B. Obstruction to enforcement	<u>12</u>
Total Seriousness	<u>12</u>
3. Negligence	<u>10</u>
4. Good Faith (Will be considered after complete information is received)	<u>-</u>
TOTAL POINTS	<u>20</u>
ASSESSMENT	<u>\$200.00</u>

ASSESSMENT EXPLANATION

History of previous violations: N82-7-7-1 - effective 3/22/83 = 1 point, C82-7-1-1 - effective 12/22/82 = 5 points, N82-7-8-2 of 12/22/82 = 2 points
TOTAL = 8 points.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

(2) Extent of actual or potential damage:

B. Obstruction to enforcement: The inspector found that no blasting records were present on site and upon reviewing records found that they were incomplete = 12 points.

Negligence: ORDINARY NEGLIGENCE The operator received prior warning of the record keeping violation but established the incomplete records = 10 points.

Good Faith