



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Memo f.

October 17, 1988

CERTIFIED RETURN RECEIPT REQUESTED
P 001 717 616

Mr. Dan Guy, Manager
Beaver Creek Coal Company
P. O. Box 1378
Price, Utah 84501

Dear Mr. Guy:

Re: Finalized Assessment for State Violation No. N88-19-1-1,
ACT/015/009, Folder #5, Emery County, Utah

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must have escrowed the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail % Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Alan S. Bachman
Assessment Conference Officer

jb

cc: John C. Kathmann, OSM AFO

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Beaver Creek Coal Company NOV #88-19-1-1

PERMIT # ACT/015/009 VIOLATION 1 OF 1

Assessment Date 10/17/88 Assessment Officer Alan S. Bachman

Nature of violation: Improper subsidence monitoring

Date of termination: On or about August 18, 1988

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>0</u>	<u>0</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u>20</u>	<u>18</u>
(3) Negligence	<u>12</u>	<u>10</u>
(4) Good Faith	<u>0</u>	<u>0</u>
 TOTAL	 <u>32</u>	 <u>28</u>
	TOTAL ASSESSED FINE	<u>\$ 360.00</u>

3. Narrative:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Hindrance and negligence points were a little too high. Nevertheless, Beaver Creek was responsible for the subsidence monitoring, even if they intended to rely upon the Forest Service providing data. It is the responsibility of the operator to have a back-up plan if the Forest Service does not make their typical flight. However, the penalty should not be waived. A fine shall be levied based on 28 points. Operator has failed to show that delay of proposed assessment affected NOV; however, it may have affected issuance of CO.