



0021
 STATE OF UTAH
 NATURAL RESOURCES
 Oil, Gas & Mining

File
 Norman H. Bangerter, Governor
 Dee C. Hansen, Executive Director
 Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

May 3, 1988

CERTIFIED RETURN RECEIPT REQUESTED
 P 001 717 741

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

Dear Mr. Guy:

Re: Finalized Assessment for State Violation No. N88-27-3-1,
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

Alan S. Bachman
 Assessment Conference Officer

re
 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/Trail Mtn. #9 Mine NOV # N88-27-3-1

PERMIT # ACT/015/009 VIOLATION 1 OF 1

Assessment Date April 12, 1988 Assessment Officer Alan S. Bachman

Nature of violation: Missing parameters necessary to determine/prevent environmental harm.

Date of termination: _____

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>2</u>	<u>2</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>0</u>	<u>0</u>
(3) Negligence	<u>10</u>	<u>10</u>
(4) Good Faith	<u>0</u>	<u>0</u>
 TOTAL	 <u>12</u>	 <u>12</u>
	TOTAL ASSESSED FINE	\$ <u>120.</u>

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

Operator assumed liability from previous operator. Evidence supported assessment due to failure of previous operator to comply. Assessment against current operator, Beaver Creek is only due to said assumption of liability.