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NATURAL RESOURCES

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Director



0026

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS, AND MINING
1588 West North Temple
Salt Lake City, Utah 84116
(801) 533-5771

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August 19, 1981

Act/007/001

#0367492

Mr. Trevor G. Whiteside
Valley Camp of Utah, Inc.
P.O. Box 507
Clear Creek, Utah 84517

RE: Proposed Assessment for
State Violation No. N81-3-11-2

Dear Mr. Whiteside:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector Thomas L. Portle on August 7, 1981.

The Board of Oil, Gas and Mining has empowered me to act as Assessment Officer and to conduct informal conferences on violations and assessments. This assessment has been computed by me using Rule UMC/SMC 845.2 et. seq.

You may or may not request that the Division establish an assessment conference at this time. If no conference is requested by you within 30 days of your receipt of this letter the violation will be reassessed considering available facts and you will be required to pay the civil penalty as reassessed.

Should you decide to request an assessment conference you must do so in writing within 30 days of your receipt of this letter. Please specify in your request what the nature of your contest to the violation will include. For your ease in responding I have classified those contests as follows:

1. A contest of the amount of the assessment and not the fact of the violation(s) having occurred.
2. A contest of the facts of whether the violation(s) occurred.

Mr. Trevor G. Whiteside
August 19, 1981
Page Two

This classification has been made to enable the Division time to arrange for a court reporter to establish a record of the proceedings in contests of the facts of a violation.

My decision resulting from the assessment conference may be appealed to the Board in a more formal proceeding.

Sincerely,

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

ASSESSMENT WORKSHEET

NOV# N81-3-11-2PERMIT# ACT/007/001Name of Company Valley Camp of Utah, Inc.Violation # 1 of 2POINTS

- | | |
|---|-----------|
| 1. History of previous violations | <u>2</u> |
| 2. Seriousness (either A or B) | |
| A. (1) Probability of occurrence | <u>11</u> |
| (2) Extent of potential or actual damage | <u>16</u> |
| B. Obstruction to enforcement | <u>-</u> |
| Total Seriousness | <u>27</u> |
| 3. Negligence | <u>23</u> |
| 4. Good Faith (Will be considered after complete information is received) | <u>-</u> |

TOTAL POINTS 52ASSESSMENT \$ 1,080.00Violation # 2 of 2POINTS

- | | |
|---|-----------------|
| 1. History of previous violations | <u>2</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>4</u> |
| Total Seriousness | <u>4</u> |
| 3. Negligence | <u>8</u> |
| 4. Good Faith (Will be considered after complete information is received) | <u>-</u> |

TOTAL POINTS 14ASSESSMENT \$ 140.00

ASSESSMENT EXPLANATION

NOV# N81-3-11-2

PERMIT# ACT/007/001

Name of Company Valley Camp of Utah, Inc.

Violation # 1 of 2

History of previous violations: 2 points (N81-2-5-2)

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to comply with the terms and conditions of an interim permit is deemed likely to result in water pollution by the effluent standard not being achieved. 11 points.

(2) Extent of actual or potential damage:

Damage if it occurs would leave the permit area. 16 points.

B. Obstruction to enforcement:

Negligence: ~~ORDINARY NEGLIGENCE~~ knowing

Knowing and willful since this is a violation of a permit condition.
23 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N81-3-11-2

PERMIT# ACT/007/001

Name of Company Valley Camp of Utah, Inc.

Violation # 2 of 2

History of previous violations: 2 points (N81-2-5-2)

Seriousness: (either A or B)

A. (1) Probability of occurrence:

(2) **Extent of actual or potential damage:**

B. Obstruction to enforcement:

The violation, failure to post perimeter markers, hindered the inspector in determining if activity had occurred outside the permit area. 4 points.

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED