



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

0054

December 23, 1982

REGISTERED RETURN RECEIPT REQUESTED # POS 7075373

Trevor Whiteside  
Valley Camp of Utah  
P.O. Box 307  
Clear Creek, Utah 84517

#8  
RE: Finalized Assessment  
For State Violation  
No. N82-1-9-2  
ACT/007/001

Dear Mr. Whiteside:

The civil penalty for the Violation No. N82-1-9-2, has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within thirty days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within thirty 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.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

*RW Daniels*  
RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

RWD/Tm

ASSESSMENT CONFERENCE REPORT  
Utah Division of Oil, Gas & Mining  
1588 West North Temple  
Salt Lake City, Utah

NOV/CO No. N82-1-9-2

Location of Conference: Salt Lake City, Utah

Date of Conference: November 15, 1982

Company Name/Mine Name: Valley Camp of Utah/Belina

<u>Persons in Attendance</u>	<u>Title</u>
<u>Trevor Whiteside</u>	<u>Valley Camp of Utah</u>
<u>Ronald W. Daniels</u>	<u>DOGM</u>
<u>Joe Helfrich, John Whitehead</u>	<u>DOGM</u>

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>1 of 2</u>	<u>\$ 440.00</u>
<u>2 of 2</u>	<u>000.00</u>
<u>Total</u>	<u>440.00</u>

The operator is due a refund in the amount of \$840.00 due to  
his having escrowed \$1,280.00 by check #2536.

Approved: *RW Daniels*  
(Signature of Conference Officer)

Date: 12/23/82

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 30 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. N82-1-9-2

Violation 1 of 2

(a) Nature of violation: Failure to operate in accord with approved plan

(b) Date of termination: October 20, 1982

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>5</u>	<u>5</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>7</u>	<u>7</u>
Extent of Damage	<u>12</u>	<u>12</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>--</u>	<u>--</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>32</u>	<u>32</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. N82-1-9-2

Violation 2 of 2

(a) Nature of violation: Failure to meet effluent standards

(b) Date of termination: \_\_\_\_\_

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>5</u>	<u>--</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>17</u>	<u>--</u>
Extent of Damage	<u>16</u>	<u>--</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>8</u>	<u>--</u>
(d) Good Faith	<u>--</u>	<u>--</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>46</u>	<u>--</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.) The operator made an adequate enough showing to demonstrate that one part of the violation, part one, which includes the Utah #2 effluent problem, is suspect. This part is suspect due to off-site construction activities being done in the area by other parties. In addition the operator made diligent efforts to obtain approval of his filter pond prior to NOV issuance.

The operator was issued a notice of violation (NOV) requiring, in part, that he reconstruct the filter pond for mine discharge water. The violation, however, was written some 40 days prior to giving the operator permission to go ahead with pond reconstruction, and some time after the operator originally requested approval to reconstruct the filter pond.

Use of the penalty points system to assess a penalty for this violation is deemed to be demonstrably unjust in considering the aforstated facts. The violation stands but the fine is assessed at \$000.00.