



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

*Full*

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

May 4, 1984

P396 996 753  
REGISTERED RETURN RECEIPT REQUESTED

Trevor Whiteside  
Valley Camp of Utah  
Schofield Route  
Helper, Utah 84526

RE: Finalized Assessment for  
State Violation No. N84-7-2-10  
ACT/007/001  
Folder No. 8  
Carbon County, Utah

Dear Mr. Whiteside:

The civil penalty for the Violation No. N84-7-2-10 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 fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. 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 (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

*Lorin P. Nielsen*

Lorin P. Nielsen  
Acting Assessment Officer

LPN:re

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

ASSESSMENT CONFERENCE REPORT  
 Utah Division of Oil, Gas & Mining  
 4241 State Office Building  
 Salt Lake City, Utah 84114

NOV/CO No. N84-7-2-10

Location of Conference: Salt Lake City, Utah, Division of Oil, Gas and Mining

Date of Conference: April 23, 1984

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

Persons in Attendance  
Lorin P. Nielsen  
Joe Helfrich  
Ken Wyatt  
Trevor Whiteside  
Mike Keller  
Jodie Merriman

Representing  
Acting Assessment Officer  
Division of Oil, Gas and Mining  
Division of Oil, Gas and Mining  
Valley Camp of Utah  
Valley Camp of Utah  
Office of Surface Mining

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>N84-7-2-10</u>	<u>\$ _____</u>
<u>#1 of 10 - #10 of 10</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>
<u>TOTAL</u>	<u>\$ 4,640.00</u>

Approved: *Paul Miller* Date: May 4, 1984  
 (Signature of Conference Officer)

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 15 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT  
(continued)1. Notice of Violation/Cessation Order No. N84-7-2-10Violation 1 of 10(a) Nature of violation: Water Pollution

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

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>4</u>	<u>4</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>15</u>	<u>15</u>
Extent of Damage	<u>14</u>	<u>12</u>
(2) Obstr. to Enforcement	_____	_____
(c) Negligence	<u>12</u>	<u>12</u>
(d) Good Faith	_____	_____
(e) Acreage	_____	_____
TOTAL	<u>45</u>	<u>43</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.)

History: AffirmedSeriousness:Probability: discharge occurred. Nothing presented or available to change proposed assessment. AffirmedExtent: Perennial stream, toward which discharge flowed, was at high point during this time. While outside the area damage minimal due to high flows in perennial stream. Reduce to 12Negligence: Discharge due to running mine water thru sediment pond. Operator should have been aware of discharge problem. Points affirmed

ASSESSMENT CONFERENCE REPORT  
(continued)1. Notice of Violation/Cessation Order No. N84-7-2-10Violation 2 of 10(a) Nature of violation: Water Pollution

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

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>4</u>	<u>4</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>4</u>	<u>4</u>
Extent of Damage	<u>8</u>	<u>8</u>
(2) Obstr. to Enforcement	_____	_____
(c) Negligence	<u>2</u>	<u>2</u>
(d) Good Faith	_____	_____
(e) Acreage	_____	_____
TOTAL	<u>18</u>	<u>18</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.)

History: Affirmed  
Seriousness:  
Probability: Affirmed  
Extent: Affirmed  
Negligende: Affirmed

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. N84-7-2-10

Violation 3 of 10

(a) Nature of violation: Water Pollution

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

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>4</u>	<u>4</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>5</u>	<u>5</u>
Extent of Damage	<u>9</u>	<u>9</u>
(2) Obstr. to Enforcement	_____	_____
(c) Negligence	<u>3</u>	<u>3</u>
(d) Good Faith	_____	_____
(e) Acreage	_____	_____
TOTAL	<u>21</u>	<u>21</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.)

History: Affirmed

Seriousness:

Probability: Affirmed

Extent: Affirmed

Negligence: Affirmed

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. N84-7-2-10

Violation 4 of 10

(a) Nature of violation: Water Pollution

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

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>4</u>	_____
(b) Seriousness		
(1) Probability of Occurrence	<u>7</u>	_____
Extent of Damage	<u>14</u>	_____
(2) Obstr. to Enforcement	<u>5</u>	_____
(c) Negligence	_____	_____
(d) Good Faith	_____	_____
(e) Acreage	_____	_____
TOTAL	<u>30</u>	<u>0</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 12 month statute of limitation has passed on this violation. Hence the NOV and penalty are vacated.

ASSESSMENT CONFERENCE REPORT  
(continued)1. Notice of Violation/Cessation Order No. N84-7-2-10Violation 5 of 10(a) Nature of violation: Water Pollution

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

2. Conference Result	<u>Proposed Assessment</u>	<u>Confere Assesse</u>
(a) History/Prev. Vio.	<u>4</u>	_____
(b) Seriousness		
(1) Probability of Occurrence	<u>6</u>	_____
Extent of Damage	<u>9</u>	_____
(2) Obstr. to Enforcement	_____	_____
(c) Negligence	<u>4</u>	_____
(d) Good Faith	_____	_____
(e) Acreage	_____	_____
TOTAL	<u>23</u>	_____

3. Narrative:

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

NOV issued on basis of operator data submitted to State Department of Environmental Protection for compliance with NPDES compliance. Hence no DOGM data gathered during inspection as required by UMC 840.11. Violation and penalty vacated.

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. N84-7-2-10

Violation 6 of 10

(a) Nature of violation: Water pollution

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

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>4</u>	_____
(b) Seriousness		
(1) Probability of Occurrence	<u>11</u>	_____
Extent of Damage	<u>14</u>	_____
(2) Obstr. to Enforcement	_____	_____
(c) Negligence	<u>12</u>	_____
(d) Good Faith	_____	_____
(e) Acreage	_____	_____
TOTAL	<u>41</u>	<u>0</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.)

NOV issued on basis of operator data submitted to State Department of Health for compliance with NPDES compliance. Hence no DOGM data gathered during inspection as required by UMC 840.11. Violation and penalty vacated.

ASSESSMENT CONFERENCE REPORT  
(continued)1. Notice of Violation/Cessation Order No. N84-7-2-10Violation 7 of 10(a) Nature of violation: Water Pollution

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

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>4</u>	_____
(b) Seriousness		
(1) Probability of Occurrence	<u>10</u>	_____
Extent of Damage	<u>14</u>	_____
(2) Obstr. to Enforcement	_____	_____
(c) Negligence	<u>10</u>	_____
(d) Good Faith	_____	_____
(e) Acreage	_____	_____
TOTAL	<u>38</u>	<u>0</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.)

NOV issued on basis of operator data submitted to State Department of Health for compliance with NPDES compliance. Hence no DOGM data gathered during inspection as required by UMC 840.11. Violation and penalty vacated.

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. N84-7-2-10

Violation 8 of 10

(a) Nature of violation: Water Pollution

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

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>4</u>	_____
(b) Seriousness		
(1) Probability of Occurrence	<u>11</u>	_____
Extent of Damage	<u>14</u>	_____
(2) Obstr. to Enforcement	_____	_____
(c) Negligence	<u>12</u>	_____
(d) Good Faith	_____	_____
(e) Acreage	_____	_____
TOTAL	<u>41</u>	<u>0</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.)

NOV issued on basis of operator data submitted to State Department of Health for compliance with NPDES compliance. Hence no DOGM data gathered during inspection as required by UMC 840.11. Violation and penalty vacated.

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. N84-7-2-10  
 Violation 9 of 10  
 (a) Nature of violation: Water Pollution  
 (b) Date of termination: \_\_\_\_\_

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>4</u>	_____
(b) Seriousness		
(1) Probability of Occurrence	<u>1</u>	_____
Extent of Damage	<u>9</u>	_____
(2) Obstr. to Enforcement	_____	_____
(c) Negligence	<u>1</u>	_____
(d) Good Faith	_____	_____
(e) Acreage	_____	_____
TOTAL	<u>14</u>	<u>0</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.)

NOV issued on basis of operator data submitted to State Department of Health for compliance with NPDES compliance. Hence no DOGM data gathered during inspection as required by UMC 840.11. Violation and penalty vacated.

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. \_\_\_\_\_

Violation 10 of 10(a) Nature of violation: Water Pollution

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

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>4</u>	_____
(b) Seriousness		
(1) Probability of Occurrence	<u>5</u>	_____
Extent of Damage	<u>9</u>	_____
(2) Obstr. to Enforcement	_____	_____
(c) Negligence	<u>3</u>	_____
(d) Good Faith	_____	_____
(e) Acreage	_____	_____
TOTAL	<u>14</u>	<u>0</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.)

NOV issued on basis of operator data submitted to State Department of Health for compliance with NPDES compliance. Hence no DOGM data gathered during inspection as required by UMC 840.11. Violation and penalty vacated.