



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

August 29, 1984

CERTIFIED RETURN RECEIPT REQUESTED
P 402 457 346

Mr. T. G. Whiteside
Chief Engineer
Valley Camp of Utah, Inc.
Schofield Route
Helper, Utah 84526

Dear Mr. Whiteside:

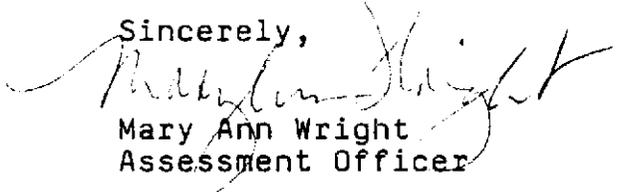
RE: Proposed Assessment for State Violation No's N84-7-6-1,
N84-7-9-1, ACT/007/001, Folder #8, Carbon County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violation. These violations were issued by Division Inspector Ken Wyatt, on May 30, 1984 and August 8, 1984. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information, which was submitted by you or your agent within 15 days of receipt of this notice of violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Mr. Lorin Nielsen, Assessment Officer, at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will be considered for the final assessment which were not available on the date of the proposed assessment, due to the length of the abatement period.

Sincerely,


Mary Ann Wright
Assessment Officer

re
Enclosure

cc: J. Merriman, OSM Albuquerque Field Office
73140

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

COMPANY/MINE Valley Camp/Belina NOV # N84-7-6-1

PERMIT # ACT/007/001 VIOLATION 1 OF 1

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE August 27, 1984 EFFECTIVE ONE YEAR DATE August 28, 1983

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N83-7-6-1</u>	<u>1-16-84</u>	<u>1</u>	<u>N84-7-2-10 #3</u>	<u>6-04-84</u>	<u>1</u>
<u>C83-1-1-1</u>	<u>1-16-84</u>	<u>5</u>	<u>N84-7-9-1 PA</u>	<u>8-27-84</u>	<u>0</u>
<u>N84-7-2-10 #1</u>	<u>6-04-84</u>	<u>1</u>			
<u>N84-7-2-10 #2</u>	<u>6-04-84</u>	<u>1</u>			

1 point for each past violation, up to one year
5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 9

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Water Pollution

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 9

PROVIDE AN EXPLANATION OF POINTS Assessed at high end of unlikely. Per inspectors statement, TSS of discharge exceeded 45 mg/l limit at 95 mg/l. Additional sediment was added to receiving waters that according to inspector's estimate was at about the same level of TSS.

3. Would or did the damage or impact remain within the exploration or permit area? no

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 9

PROVIDE AN EXPLANATION OF POINTS Would and did extend off permit area. Per inspectors statement, discharge occurred on one day. Assessed down from mid-point for low extent of damage to receiving waters.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 18

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE negligence
ASSIGN NEGLIGENCE POINTS 10

PROVIDE AN EXPLANATION OF POINTS Assessed as a lack of reasonable care since, as per inspector's statement, pond has not been cleaned in four years and is the source of the excessive sediment. Pond construction engineers had recommended pond cleaning every 1-1 1/2 years, per inspector statement.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation

- Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
- Rapid Compliance -1 to -10*
(Permittee used diligence to abate the violation)
- Normal Compliance 0
(Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

- Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
- Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
- Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

EASY OR DIFFICULT ABATEMENT? difficult ASSIGN GOOD FAITH POINTS -

PROVIDE AN EXPLANATION OF POINTS NOV has been partially abated. Complete abatement has not occurred yet to my knowledge. Abatement deadline extended to August 28, 1984. Abatement required obtaining offsite resources.

V. ASSESSMENT SUMMARY FOR

N84-7-6-1

- I. TOTAL HISTORY POINTS
- II. TOTAL SERIOUSNESS POINTS
- III. TOTAL NEGLIGENCE POINTS
- IV. TOTAL GOOD FAITH POINTS

9	
18	
10	
-	
TOTAL ASSESSED POINTS	37
TOTAL ASSESSED FINE	\$ 540

ASSESSMENT DATE August 27, 1984 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT

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

COMPANY/MINE Valley Camp/Belina NOV # N84-7-9-1
 PERMIT # ACT/007/001 VIOLATION 1 OF 1

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE	August 27, 1984	EFFECTIVE ONE YEAR DATE	August 28, 1983
<u>N83-7-6-1</u>	<u>1-16-84</u> <u>1</u>	<u>N84-7-2-10 #3</u>	<u>6-04-84</u> <u>1</u>
<u>C83-1-1-1</u>	<u>1-16-84</u> <u>5</u>	<u>N84-7-9-1</u> PA	<u>8-27-84</u> <u>0</u>
<u>N84-7-2-10 #1</u>	<u>6-04-84</u> <u>1</u>		
<u>N84-7-2-10 #2</u>	<u>6-04-84</u> <u>1</u>		

PREVIOUS VIOLATIONS EFF.DATE PTS PREVIOUS VIOLATIONS EFF.DATE PTS
 1 point for each past violation, up to one year
 5 points for each past violation in a CO, up to one year
 No pending notices shall be counted
 TOTAL HISTORY POINTS 9

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Water Pollution
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 5

PROVIDE AN EXPLANATION OF POINTS TSS limit on discharge is 45 mg/l. Operator discharged 52 mg/l water. Assessed at low end of unlikely to cause the event listed, based on sediment level of tested sample.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation
 Immediate Compliance -11 to -20*
 (Immediately following the issuance of the NOV)
 Rapid Compliance -1 to -10*
 (Permittee used diligence to abate the violation)
 Normal Compliance 0
 (Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation
 Rapid Compliance -11 to -20*
 (Permittee used diligence to abate the violation)
 Normal Compliance -1 to -10*
 (Operator complied within the abatement period required)
 Extended Compliance 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? _____ ASSIGN GOOD FAITH POINTS -

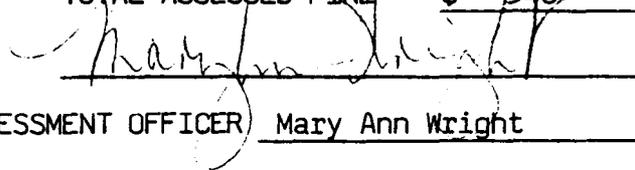
PROVIDE AN EXPLANATION OF POINTS To my knowledge, NOV has not yet been abated.

V. ASSESSMENT SUMMARY FOR N84-7-9-1

I. TOTAL HISTORY POINTS	<u>9</u>
II. TOTAL SERIOUSNESS POINTS	<u>13</u>
III. TOTAL NEGLIGENCE POINTS	<u>15</u>
IV. TOTAL GOOD FAITH POINTS	<u>-</u>

TOTAL ASSESSED POINTS 37

TOTAL ASSESSED FINE \$ 540



ASSESSMENT DATE August 27, 1984 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT