



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangertter, 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

October 9, 1985

CERTIFIED RETURN RECEIPT REQUESTED
P 592 431 898

Mr. Trevor Whiteside
Valley Camp of Utah, Inc.
Scofield Route
Helper, Utah 89526

Dear Mr. Whiteside:

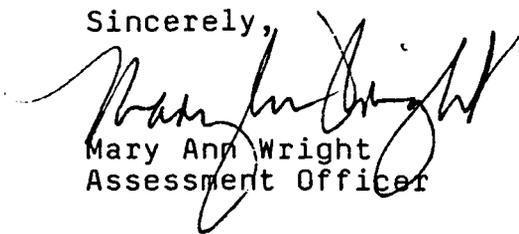
RE: Proposed Assessment for State Violation No. N85-2-3-2, #1 and #2 of 2, ACT/007/001, Folder #8, Carbon County, Utah

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. This violation was issued by Division Inspector Sandy Pruitt on March 5, 1985. 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 Ms. Jan Brown 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. This assessment does not constitute a request for payment.

Sincerely,


Mary Ann Wright
Assessment Officer

dd

Enclosure

cc: D. Griffin, OSM Albuquerque Field Office
7314Q-7

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

COMPANY/MINE Valley Camp of Utah/Belina NOV #N85-2-3-2

PERMIT # ACT/007/001 VIOLATION 1 OF 2

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 10/9/85 EFFECTIVE ONE YEAR DATE 10/10/84

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N84-7-6-1</u>	<u>11/22/84</u>	<u>1</u>			
<u>N84-2-23-1</u>	<u>8/16/85</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 2

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? Environmental harm/Water pollution/Reduced vegetative cover.
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 Per inspector's statement and operator information, the probability of the listed events occurring is assessed as unlikely since no evidence was available. Assessed at the high end due to the presence of 4" erosion gullies and their close proximity to Pleasant Valley Creek.

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 11

PROVIDE AN EXPLANATION OF POINTS From inspector information, this condition began and persisted over the winter. The contributing area was .9 acres in size, per operator. Erosion gullies had developed to a 4" depth off of the pad.

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) 20

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.

	RANGE	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 diligence in maintaining the ditchline during winter conditions. Operator expressed difficulty with access during winter to maintain ditchline although the erosion gullies were highly visible from the public road.

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.

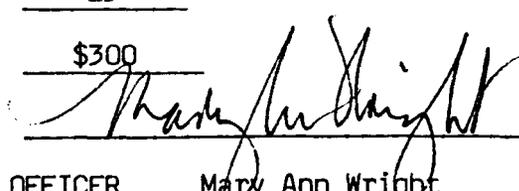
B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

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? Easy/Difficult ASSIGN GOOD FAITH POINTS -7

PROVIDE AN EXPLANATION OF POINTS Parts 1 and 2 of the abatement were easy. Part 3 required implementation after approval of plans. One-third of the abatement received immediate compliance, one-third was normal, and the final third was normal. This is based on information gleaned from the Modification Notices and operator information.

V.	<u>ASSESSMENT SUMMARY FOR</u>	<u>N85-2-3-2</u>
	I. TOTAL HISTORY POINTS	<u>2</u>
	II. TOTAL SERIOUSNESS POINTS	<u>20</u>
	III. TOTAL NEGLIGENCE POINTS	<u>10</u>
	IV. TOTAL GOOD FAITH POINTS	<u>-7</u>
	TOTAL ASSESSED POINTS	<u>25</u>
	TOTAL ASSESSED FINE	<u>\$300</u>



ASSESSMENT DATE 10/9/85 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 of Utah/Belina NOV #N85-2-3-2

PERMIT # ACT/007/001 VIOLATION 2 OF 2

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 10/9/85 EFFECTIVE ONE YEAR DATE 10/10/84

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N84-7-6-1</u>	<u>11/22/84</u>	<u>1</u>			
<u>N84-2-23-1</u>	<u>8/16/85</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 2

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? Environmental Harm/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 12

PROVIDE AN EXPLANATION OF POINTS Per inspector, black runoff left the site due to improper sediment controls. Runoff then passed through strawbales in the highway ditch prior to its entering the creek. Assessed as likely to cause harm to the fishery and add sediment to the waters of Pleasant Valley Creek.

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 14

PROVIDE AN EXPLANATION OF POINTS Damage extended offsite. Black-colored runoff was sampled at approximately 1 gpm flow rate. Duration was not given.

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) 26

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.

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

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault
 ASSIGN NEGLIGENCE POINTS 18

PROVIDE AN EXPLANATION OF POINTS Approved design standards were violated. Also, N84-2-23-1 was issued 11/15/84 for the same problem at another area of the operation.

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.

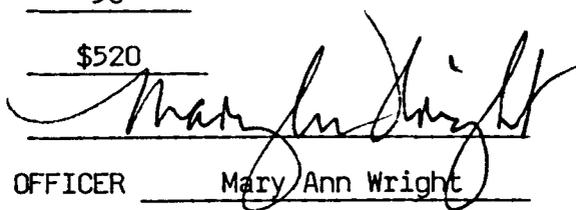
B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

- 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? Easy ASSIGN GOOD FAITH POINTS -10

PROVIDE AN EXPLANATION OF POINTS On-the-ground compliance was required, or the submittal of plans for Part 2. Operator had the resources necessary. Operator used diligence to abate Parts 1 and 3. Part 2 abated two days before due.

V.	<u>ASSESSMENT SUMMARY FOR</u>	<u>N85-2-3-2</u>
	I. TOTAL HISTORY POINTS	<u>2</u>
	II. TOTAL SERIOUSNESS POINTS	<u>26</u>
	III. TOTAL NEGLIGENCE POINTS	<u>18</u>
	IV. TOTAL GOOD FAITH POINTS	<u>-10</u>
	TOTAL ASSESSED POINTS	<u>36</u>
	TOTAL ASSESSED FINE	<u>\$520</u>



ASSESSMENT DATE 10/9/85 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT