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✓ RE 5-11-87

STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

*File*

Norman H. Bangerter, 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

May 7, 1987

CERTIFIED RETURN RECEIPT REQUESTED  
P 001 771 329

Mr. Steven K. Tanner  
Chief Surveyor  
Valley Camp of Utah, Inc.  
Scofield Route  
Helper, Utah 84526

Dear Mr. Tanner:

Re: Finalized Assessment for State Violation No. N87-9-1-1,  
ACT/007/001, Folder, #5, Carbon County, Utah

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must have escrowed the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail % Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

*Barbara W. Roberts*  
Barbara W. Roberts  
Assessment Conference Officer

re  
cc: John C. Kathmann, OSM AFO  
0644Q

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

COMPANY/MINE Valley Camp/Belina NOV # N87-9-1-1  
 PERMIT # ACT/007/001 VIOLATION 1 OF 1  
 Assessment Date May 5, 1987 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to prevent to extent possible, additional contributions of sediment to stream flow or runoff outside of the permit area.

Date of termination: March 10, 1987

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>3</u>	<u>3</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>12</u>	<u>10</u>
Extent of Damage	<u>6</u>	<u>6</u>
(b) Hindrance to Enforcement	<u>        </u>	<u>        </u>
(3) Negligence	<u>8</u>	<u>4</u>
(4) Good Faith	<u>0</u>	<u>0</u>
TOTAL	<u>29</u>	<u>23</u>
	TOTAL ASSESSED FINE	<u>\$ 260</u>

3. Narrative:

The operator did not dispute that road material had been pushed over the berm onto the steep embankment leading to Whiskey Creek. This was not a snow removal operation, but the result of a bulldozer operator's attempt at gaining control on the icy Class III road. The blade pushed less than 3 yards of material to and over the berm. This violation is a result of the operator's failure to remove the material deposited on the embankment. The penalty for probability of occurrence is dropped in that the deposited material is farther away (about 65 feet) from the Creek than originally estimated. Due to the steepness of the slope, the probability is still likely that some material would reach the stream.

The penalty in the negligence category is also modified in light of the unusual nature of circumstances leading up to the occurrence. Further, although all actions by mine personnel are attributable to the operator, the explanation that mine compliance personnel were not aware of the accident is reasonable.