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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

December 15, 1988

CERTIFIED RETURN RECEIPT REQUESTED
P 001 717 572

Mr. Barry Barnum
Valley Camp of Utah, Incorporated
Scofield Route
Helper, Utah 84526

Dear Mr. Barnum:

Re: Proposed Assessment for State Violation No. N88-28-9-1, ACT/007/001,
Folder #5, 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, Daron R. Haddock on November 28, 1988. 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 fifteen (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. (Submit a request for conference to Vicki Bailey, at the above address).

IF A TIMELY REQUEST IS NOT MADE, THE PROPOSED PENALTY(IES) WILL BECOME FINAL, AND THE PENALTY(IES) WILL BE DUE AND PAYABLE WITHIN THIRTY (30) DAYS OF THE PROPOSED ASSESSMENT. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

Joseph C. Helfrich
Assessment Officer

jb
Enclosure
MN36/13

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

COMPANY/MINE Valley Camp of Utah, Inc. NOV # N-88-28-9-1

PERMIT # ACT/007/001 VIOLATION 1 OF 1

ASSESSMENT DATE 12/14/88 ASSESSMENT OFFICER Joseph C. Helfrich

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 12/14/88 EFFECTIVE ONE YEAR TO DATE 12/14/87

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N-88-28-4-1</u>	<u>9/20/88</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 1

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

PROBABILITY	RANGE
None	0
Insignificant	1-4
Unlikely	5-9
Likely	10-14
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS

Exceedence of effluent limitations as deliniated by the attached state health memo to Daron Haddock dated receipt of 11/18/88

3. What is the extent of actual or potential damage?

	RANGE	
Potential or Actual Damage		0-25*

*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 0

PROVIDE AN EXPLANATION OF POINTS

Extent and duration of exceedence not quantifiable.

B. Hindrance Violations MAX 25 PTS

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

	RANGE
Potential hindrance	1-12
Actual hindrance	13-25

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.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS

Non compliance verified through lab tests of samples taken November 87, February 88, March 88, May 88, July 88, September 88, and October 88.
Permitting agencies have no record of compliance efforts implemented by the company.

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? Unknown to date
ASSIGN GOOD FAITH POINTS _____

PROVIDE AN EXPLANATION OF POINTS

To be evaluated by the staff inspector and/or hydrologist upon termination of the violation.

V. ASSESSMENT SUMMARY FOR N-88-28-9-1

I. TOTAL HISTORY POINTS	<u>1</u>
II. TOTAL SERIOUSNESS POINTS	<u>20</u>
III. TOTAL NEGLIGENCE POINTS	<u>12</u>
IV. TOTAL GOOD FAITH POINTS	<u>-</u>
 TOTAL ASSESSED POINTS	 <u>33</u>
 TOTAL ASSESSED FINE	 <u>\$ 460.00</u>

RECEIVED
NOV 18 1988

File 110/0570013-8
Steve

TO: Mr. Donald A. Hilden DEH
FROM: Daron R. Haddock DOGM
TO: Daron R. Haddock DOGM
FROM: Steven R. McNeal DEH

Oil, Gas & Mining
NOV 1988
Received
Bureau of Water
Pollution Control
DATE 11/9/88
DATE 11/16/88

RE: Suspected Environmental Violation

Mine Name: Belina (Valley Camp of Utah)

NPDES Permit Identification: UT-0022985 point 005 A

The above referenced permit limits discharge of
the following parameters to: DOGM sampling has delineated

Total Suspended Solids: 70mg/l 76.5mg/l
Daily Maximum

A copy of the sample results is attached for your information.

By return copy of this memo, DEH advises DOGM that this data *& company data*

{ } Does { } Does not

INDICATE:

- { } Insignificant - Danger to health or the environment
- { } Chronic - Danger to health or the environment
- { } Seriously endangers health, safety of the public or environment
- Significant violation of monthly average for May and September 1988
- { } Imminent environmental harm to land air or water resources

Visual air emission observed at source _____
on _____

Reference: MOU DOGM/DEH, revised _____
DATE

(Response to DOGM by DEH within 10 days of receipt by DEH)

WPOB31/1 Company was notified by phone ^{DEH} 11/16/88 of need to be in compliance
Formal DEH compliance order is being considered.

Company May ave 54
BWPC May grab 100
BWPC July grab 54
Company Sept ave 52 max 78

limits -
Daily Average 50
Daily Maximum 70



**MOUNTAIN
STATES
ANALYTICAL**

ANALYTICAL REPORT

•CLIENT: Oil, Gas, & Mining
3 Triad Center
Salt Lake City, UT 84180

ATTN: Mr. Darron Haddock

LAB NO: 6375
GROUP NO: 570
DATE SAMPLED: 10/20/88
TIME SAMPLED: 14:00
DATE RECEIVED: 10/21/88
DATE REPORTED: 10/25/88
DISPOSAL DATE: 11/24/88

SAMPLE ID: VALLEY CAMP POINT 005A

ANALYSIS

RESULT
AS RECEIVED

SOLIDS, T. DISSOLVED	388 mg/l
SOLIDS, T. SUSPENDED	76.5 mg/l
SOLIDS, SETTLEABLE	<0.1 ml/l
IRON, TOTAL	0.50 mg/l

Reviewed and approved by,

David A. Janusz
David A. Janusz
Inorganic Division

Respectfully submitted,

William O. Moellmer
William O. Moellmer, Ph.
Laboratory Director