



0064

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

File

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

September 6, 1984

CERTIFIED RETURN RECEIPT REQUESTED
P 402 457 399

Mr. Ben Grimes
Plateau Mining Company
P. O. Box 539
Price, Utah 84501

Dear Mr. Grimes:

RE: Proposed Assessment for State Violation No. N84-4-7-6, #6 of 6,
ACT/007/006, 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 Dave Lof on April 25, 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
Mary Ann Wright
Assessment Officer

re

Enclosure

cc: D. Griffin, OSM Albuquerque Field Office
73140

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

COMPANY/MINE Getty/Starpoint NOV # N84-4-7-6
 PERMIT # ACT/007/006 VIOLATION 1 OF 6

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>N83-6-4-1</u>	<u>10-8-83</u>	<u>2</u>	<u>N84-4-1-1</u>	<u>6-30-84</u>	<u>1</u>
<u>N83-4-5-1</u>	<u>10-8-83</u>	<u>1</u>			
<u>N83-4-7-3</u>	<u>1-16-84</u>	<u>3</u>			
<u>N83-4-14-1</u> PA	<u>1-11-84</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 7

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 1

PROVIDE AN EXPLANATION OF POINTS Both statements of operator and inspector agree that the probability of the event occurring is "insignificant" and "highly unlikely", respectively, and describe why, assessed as insignificant.

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? easy ASSIGN GOOD FAITH POINTS -4

PROVIDE AN EXPLANATION OF POINTS Operator used diligence to abate the NOV

V. ASSESSMENT SUMMARY FOR N84-4-7-6

I. TOTAL HISTORY POINTS	<u>7</u>
II. TOTAL SERIOUSNESS POINTS	<u>7</u>
III. TOTAL NEGLIGENCE POINTS	<u>12</u>
IV. TOTAL GOOD FAITH POINTS	<u>-4</u>

TOTAL ASSESSED POINTS -22

TOTAL ASSESSED FINE \$ 240

Mary Ann Wright

ASSESSMENT DATE August 27, 1984 ASSESSMENT OFFICER Mary Ann Wright

PROPOSED ASSESSMENT

FINAL ASSESSMENT

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

COMPANY/MINE Getty/Starpoint NOV # N84-4-7-6
 PERMIT # ACT/007/006 VIOLATION 2 OF 6

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 8-27-84 EFFECTIVE ONE YEAR DATE 8-28-83

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N83-6-4-1</u>	<u>10-8-83</u>	<u>2</u>	<u>N84-4-1-1</u>	<u>6-30-84</u>	<u>1</u>
<u>N83-4-5-1</u>	<u>10-8-83</u>	<u>1</u>			
<u>N83-4-7-3</u>	<u>1-16-84</u>	<u>3</u>			
<u>N83-4-14-1</u> PA	<u>1-11-84</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 7

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 15

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, the event had occurred as evidenced by remains of Coal fines in channel. Channel was ephemeral with a flowing stream 1/2 mile away. Assessed downward.

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 12

PROVIDE AN EXPLANATION OF POINTS Damage extended offsite. According to inspector's log, discharge occurred five days before. No other duration information was given. High sediment load water was discharged as evidenced by coal fines in the ephemeral channel. Assessed down for extent of damage to be lessened by settlement of sediment by the time it reached flowing 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) 27

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 Greater degree of fault than negligence
 ASSIGN NEGLIGENCE POINTS 23

PROVIDE AN EXPLANATION OF POINTS Operator is accountable for actions of all persons working on site. Assessed as reckless and knowing conduct for discharging slurry to a sediment pond. Operator is aware this is not allowable, per inspector's 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 -

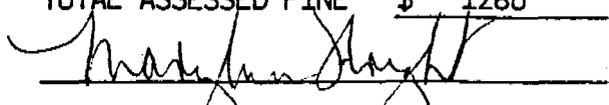
PROVIDE AN EXPLANATION OF POINTS Plans required to abate one of four poarts of this NOV. To my knowledge, #2 is not yet completely abated. Deadline was last amended to July 18, 1984.

V. ASSESSMENT SUMMARY FOR N84-4-7-6, #2 of 6

I. TOTAL HISTORY POINTS	<u>7</u>
II. TOTAL SERIOUSNESS POINTS	<u>27</u>
III. TOTAL NEGLIGENCE POINTS	<u>23</u>
IV. TOTAL GOOD FAITH POINTS	<u>-</u>

TOTAL ASSESSED POINTS 57

TOTAL ASSESSED FINE \$ 1260



ASSESSMENT DATE August 27, 1984 ASSESSMENT OFFICER Mary Ann Wright

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

COMPANY/MINE Getty/Starpoint NOV # N84-4-7-6
 PERMIT # ACT/007/006 VIOLATION #3 OF 6

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 8-27-84 EFFECTIVE ONE YEAR DATE 8-28-83

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N83-6-4-1</u>	<u>10-8-83</u>	<u>2</u>	<u>N84-4-1-1</u>	<u>6-30-84</u>	<u>1</u>
<u>N83-4-5-1</u>	<u>10-8-83</u>	<u>1</u>			
<u>N83-4-7-3</u>	<u>1-16-84</u>	<u>3</u>			
<u>N83-4-14-1</u> PA	<u>1-11-84</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 7

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 6

PROVIDE AN EXPLANATION OF POINTS Assessed as unlikely since the flow (20gpm of TSS excessive effluent) had to travel 850 ft. through undisturbed vegetated forest prior to entering a channel. Runoff was unfiltered from a small disturbed trash bin site. Strawbale was backed by sediment and flow was unfiltered.

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 8

PROVIDE AN EXPLANATION OF POINTS Flow left permit area. Assessed down for actual damage was low. Operator states that one week prior, the straw filter was covered by a snowbank. Runoff occurred with snowmelt during ensuing week when NOV was issued.

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) 14

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 8

PROVIDE AN EXPLANATION OF POINTS Assessed as a lack of diligence. Operator's statement contends straw filter was in a snowbank during inspection prior to the week the NOV was issued. Inspector notes he has no reason not to believe the snowbank situation.

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

COMPANY/MINE Getty/Starpoint

NOV # N84-4-7-6

PERMIT # ACT/007/006

VIOLATION 4 OF 6

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 8-27-84 EFFECTIVE ONE YEAR DATE 8-28-83

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N83-6-4-1</u>	<u>10-8-83</u>	<u>2</u>	<u>N84-4-1-1</u>	<u>6-30-84</u>	<u>1</u>
<u>N83-4-5-1</u>	<u>10-8-83</u>	<u>1</u>			
<u>N83-4-7-3</u>	<u>1-16-84</u>	<u>3</u>			
<u>N83-4-14-1</u> PA	<u>1-11-84</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 7

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 3

PROVIDE AN EXPLANATION OF POINTS Assessed as insignificant probability since, per inspectors statement, runoff passed over 1000 feet of well vegetated area prior to entering undisturbed diversion.

3. Would or did the damage or impact remain within the exploration or permit area? yes

	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 1

PROVIDE AN EXPLANATION OF POINTS Damage remained within permit area. Little actual damage was described in inspector's statement. Potential damage would have extended offsite. Sediment flowed onto well vegetated area within permit area. Duration unknown. Assessed down from midpoint.

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) 4

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 Negligent

ASSIGN NEGLIGENCE POINTS 9

PROVIDE AN EXPLANATION OF POINTS Operator failed to maintain the road in accordance with approved mine plan. Was given verbal notice of this problem 3 weeks prior to NOV issuance.

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? difficult ASSIGN GOOD FAITH POINTS -8

PROVIDE AN EXPLANATION OF POINTS Drainage plans were required to be submitted to the Division. This was done within required time. Operator used diligence to abate physical part of violation. Work done within 2 days of NOV issuance.

V. ASSESSMENT SUMMARY FOR N84-4-7-6, # 4 of 6

I. TOTAL HISTORY POINTS	<u>7</u>
II. TOTAL SERIOUSNESS POINTS	<u>4</u>
III. TOTAL NEGLIGENCE POINTS	<u>9</u>
IV. TOTAL GOOD FAITH POINTS	<u>-8</u>

TOTAL ASSESSED POINTS 12

TOTAL ASSESSED FINE \$ 120

Mary Ann Wright

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 Getty/Starpoint NOV # N84-4-7-6
 PERMIT # ACT/007/006 VIOLATION 5 OF 6

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 8-27-84 EFFECTIVE ONE YEAR DATE 8-28-83

PREVIOUS VIOLATIONS	EFF. DATE	PTS	PREVIOUS VIOLATIONS	EFF. DATE	PTS
<u>N83-6-4-1</u>	<u>10-8-83</u>	<u>2</u>	<u>N84-4-1-1</u>	<u>6-30-84</u>	<u>1</u>
<u>N83-4-5-1</u>	<u>10-8-83</u>	<u>1</u>			
<u>N83-4-7-3</u>	<u>1-16-84</u>	<u>3</u>			
<u>N83-4-14-1</u> PA	<u>1-11-84</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 7

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

- What is the event which the violated standard was designed to prevent? Environmental Harm
- 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 10

PROVIDE AN EXPLANATION OF POINTS It is likely that harm occurred in the form of erosion and loss of plant material in 2-3 ft wide and 2-3 ft deep path on a vegetated slope, per inspector's statement. Operator's statement provides that "the area where erosion occurred is very rocky and little actual erosion occurred". Assessed downward.

3. Would or did the damage or impact remain within the exploration or permit area? yes

	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 2

PROVIDE AN EXPLANATION OF POINTS Damage was contained within permit area. Extent of damage small: 2-3 ft. wide and 2-3 ft deep (length of erosion gully not provided). Runoff and erosion occurring at time of inspection.

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) 12

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 9

PROVIDE AN EXPLANATION OF POINTS Operator was given verbal notice of potential problem three weeks prior.

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

COMPANY/MINE Getty/Starpoint NOV # N84-4-7-6
 PERMIT # ACT/007/006 VIOLATION 6 OF 6

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 8-27-84 EFFECTIVE ONE YEAR DATE 8-28-83

PREVIOUS VIOLATIONS	EFF. DATE	PTS	PREVIOUS VIOLATIONS	EFF. DATE	PTS
<u>N83-6-4-1</u>	<u>10-8-83</u>	<u>2</u>	<u>N84-4-1-1</u>	<u>6-30-84</u>	<u>1</u>
<u>N83-4-5-1</u>	<u>10-8-83</u>	<u>1</u>			
<u>N83-4-7-3</u>	<u>1-16-84</u>	<u>3</u>			
<u>N83-4-14-1</u> PA	<u>1-11-84</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 7

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

- What is the event which the violated standard was designed to prevent? Environmental Harm/Water Pollution
- 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 7

PROVIDE AN EXPLANATION OF POINTS Probability of water pollution and harm occurring assessed as unlikely. Per inspector's statement, sediment laden runoff must travel a long distance to create problems to stream. Runoff occurred over a well vegetated area.

3. Would or did the damage or impact remain within the exploration or permit area? yes

	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 4

PROVIDE AN EXPLANATION OF POINTS Damage did not and would not extend offsite, per inspector's statement.

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) 11

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 4

PROVIDE AN EXPLANATION OF POINTS Area has been a problem in the past. Operator has taken measures to avert the problem. Area requires diligence to continually avert problems due to its difficult nature. Assessed as lack of diligence, down from mid-point.

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? easy ASSIGN GOOD FAITH POINTS -5

PROVIDE AN EXPLANATION OF POINTS Operator used diligence to abate. Ground conditions (snow drifts and ice) made work very difficult to impossible, per inspector's statement. Operator abated as soon as conditions allowed.

V. ASSESSMENT SUMMARY FOR N84-4-7-6, #6 of 6

I. TOTAL HISTORY POINTS	<u>7</u>
II. TOTAL SERIOUSNESS POINTS	<u>11</u>
III. TOTAL NEGLIGENCE POINTS	<u>4</u>
IV. TOTAL GOOD FAITH POINTS	<u>-5</u>

TOTAL ASSESSED POINTS 17

TOTAL ASSESSED FINE \$ 170

Mary Ann Wright

ASSESSMENT DATE August 27, 1984 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT

FINAL ASSESSMENT