

0003



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

October 21, 1985

CERTIFIED RETURN RECEIPT REQUESTED
P 001 721 208

Mr. Ben Grimes
Plateau Mining Company
P. O. Drawer PMC
Price, Utah 84501

Dear Mr. Grimes:

RE: Proposed Reassessment for State Violation No. N85-6-9-2 #1 of 2,
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 reassessment for the above referenced violation. This violation was issued by Division Inspector Barton Kale, on August 20, 1985. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information 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 reassessment, 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 then be considered 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,

A handwritten signature in cursive script that reads "Mike Earl".

Mike Earl
Assessment Officer

re
Enclosure
cc: D. Griffin
73140

an equal opportunity employer

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

COMPANY/MINE Plateau/Star Point NOV # N85-6-9-2

PERMIT # ACT/007/006 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?

REASSESSMENT DATE 10-17-85 EFFECTIVE ONE YEAR DATE _____

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
Refer to Proposed Assessment					

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 14

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
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 Refer to Proposed Assessment.

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 17

PROVIDE AN EXPLANATION OF POINTS Since the time of proposed assessment the lab results have been received for the water sample. The lab test showed TSS at 940 mg/l. Per inspector the limit for TSS is 70 mg/l. Oil and grease showed at 38.2 mg/l with EPA limitations set at 10 mg/l.

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) 32

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.

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

STATE DEGREE OF NEGLIGENCE _____

ASSIGN NEGLIGENCE POINTS 2

PROVIDE AN EXPLANATION OF POINTS Refer to proposed assessment.

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 -18

PROVIDE AN EXPLANATION OF POINTS Refer to proposed assessment

V. REASSESSMENT SUMMARY FOR N85-6-9-2 #1

I. TOTAL HISTORY POINTS	<u>14</u>
II. TOTAL SERIOUSNESS POINTS	<u>32</u>
III. TOTAL NEGLIGENCE POINTS	<u>2</u>
IV. TOTAL GOOD FAITH POINTS	<u>- 18</u>
 TOTAL REASSESSED POINTS	 <u>30</u>
 TOTAL REASSESSED FINE	 <u>\$ 400</u>

Mike Earl

REASSESSMENT DATE 10-17-85 ASSESSMENT OFFICER Mike Earl

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

October 21, 1985

CERTIFIED RETURN RECEIPT REQUESTED
P 001 721 206

Mr. Ben Grimes
Plateau Mining Company
P. O. Drawer PMC
Price, Utah 84501

Dear Mr. Grimes:

RE: Finalized Assessment for State Violation No. N85-6-9-2, #2 of 2
ACT/007/006, Folder # 8, 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 which were not available on the date of the proposed assessment, due to the length of the abatement period.

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 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 and mail % Jan Brown at the above address.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Mike Earl".

Mike Earl
Assessment Officer

re

cc: Donna Griffin, OSM Albuquerque Field Office
B. Roberts, Attorney Generals Office
9099Q

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

COMPANY/MINE Plateau/Star Point NOV # N85-6-9-2

PERMIT # ACT/007/006 VIOLATION 2 OF 2

Nature of violation: Failure to maintain diversion ditch

Date of termination: August 28, 1985

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>14</u>	<u>14</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>5</u>	<u>5</u>
Extent of Damage	<u>2</u>	<u>2</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>5</u>	<u>5</u>
(4) Good Faith	<u>- 15</u>	<u>- 15</u>
 TOTAL	 <u>11</u>	 <u>11</u>
	TOTAL ASSESSED FINE	<u>\$ 110</u>

3. Narrative:
(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Mike Earl

Assessment Date 10-17-85

Assessment Officer Mike Earl