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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

March 30, 1989

CERTIFIED RETURN RECEIPT REQUESTED
P 001 717 837

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

Dear Mr. Grimes:

Re: Finalized Assessment for State Violation No. N88-26-15-3,
ACT/007/006, 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 c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Alan S. Bachman'.

Alan S. Bachman
Assessment Conference Officer

jb
cc: John C. Kathmann, OSM, AFO
MN37/9

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

COMPANY/MINE Cyprus Plateau Mining Co.

NOV # 88-26-15-3

PERMIT # ACT/007/006

VIOLATION 3 OF 3

Assessment Date 11/21/88

Assessment Officer Alan S. Bachman

Nature of Violation: Failure to minimize erosion.

Date of Termination: 10/24/88

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u> </u>	<u> </u>
(2) Seriousness		
(a) Probability of Occurrence	<u> 20 </u>	<u> 4 </u>
Extent of Damage	<u> 8 </u>	<u> 0 </u>
(b) Hindrance to Enforcement	<u> - </u>	<u> - </u>
(3) Negligence	<u> 8 </u>	<u> 5 </u>
(4) Good Faith	<u> - 0 </u>	<u> - 5 </u>
TOTAL	<u> 36 </u>	<u> 4 </u>
TOTAL ASSESSED FINE		<u>\$ 40.00</u>

3. Narrative:

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

Probability of occurrence was reduced because erosion was not the ultimate event the standard was designed to prevent in this instance. The inspector stated that the probability of the event occurring (actual damage to the pond or destabilization) was insignificant.

The extent of damage was reduced to "0" because the inspector testimony indicated that there was no damage, potential or actual.

Negligence was reduced a small amount as there was some negligence.

Good faith points were added as the operator did complete the abatement one week prior to the deadline.