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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

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Salt Lake City, Utah 84180-1203
801-538-5340

mine f.

April 23, 1990

CERTIFIED RETURN RECEIPT REQUESTED
P 074 978 669

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

Dear Mr. Grimes:

Re: Finalized Assessment for State Violation No. N89-26-22-2 #1 of 2 and 2 of 2,
ACT/007/006, Folder #5, Carbon County, Utah

The civil penalty for the above-referenced violation has been finalized. Please note that no fine has been assessed. 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. Failure to comply with this requirement will result in a waiver of your right of further recourse.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Barbara W. Roberts'.

Barbara W. Roberts
Assessment Conference Officer

jb
cc: John C. Kathmann, OSM, AFO
MN37/38

an equal opportunity employer

WORK SHEET FOR FINAL ASSESSMENT OF VIOLATIONS
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Plateau/Star Point

NOV # N89-26-22-2

PERMIT # ACT/007/006

VIOLATION 1 OF 2

Assessment Date 4/10/90

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to pass some undisturbed drainage through a sediment pond or receive Division approval for an exemption of this requirement

Date of Termination: 2/14/90

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>1</u>	<u>1</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>5</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u>-</u>	<u>-</u>
(3) Negligence	<u>8</u>	<u>0</u>
(4) Good Faith	<u>- 0</u>	<u>- 0</u>
TOTAL	<u>29</u>	<u>6</u>
TOTAL ASSESSED FINE		<u>\$ - 0 -</u>

3. Narrative:

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

The sediment control measures for two of the areas contained in this NOV as violations (the upper pad area) have been approved in the MRP and, although not specifically designated as Small Area Exemptions, the express approval for the method of sediment control is sufficient to remove the requirement that drainage pass to a sediment pond.

For the remaining area, (Railroad track), the "event" upon which the proposed assessment is based is modified to "water pollution" and, therefore, the probability of occurrence is reduced to unlikely.

This railroad track area at issue has been evident for some time and the operator has been under the impression that no sediment control was necessary. The operator is unsure who owns the track but is now on notice that sediment control measures are required. As a result of this confusion, no negligence points are assessed.

The civil penalty is discretionary and none is assessed.

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

COMPANY/MINE Plateau/Star Point

NOV # 89-26-22-2

PERMIT # ACT/007/006

VIOLATION 2 OF 2

Assessment Date 4/10/90

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to minimize erosion to the extent possible on an unprotected slope.

Date of Termination: 12/29/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>1</u>	<u>n/a</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>n/a</u>
Extent of Damage	<u>10</u>	<u>n/a</u>
(b) Hindrance to Enforcement	<u>-</u>	<u> </u>
(3) Negligence	<u>8</u>	<u>n/a</u>
(4) Good Faith	<u>- 0</u>	<u>- n/a</u>
TOTAL	<u>39</u>	<u>n/a</u>
	TOTAL ASSESSED FINE	<u>\$ n/a</u>

3. Narrative:

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

NOV upheld. No fines imposed; discretionary under State Program.

jb
 MN34/40