



0002

STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

ACT/007/007
Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

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

December 16, 1981

Mr. John Huefner
Kaiser Steel Corporation
P.O. Box D
Sunnyside, Utah 84539

RE: Proposed Assessment for
State Violation No. N81-3-19-1

Dear Mr. Huefner:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector Thomas L. Portle on October 29, 1981.

The Board of Oil, Gas and Mining has empowered me to act as Assessment Officer and to conduct informal conferences on violations and assessments. This assessment has been computed by me using Rule UMC/SMC 845.2 et. seq.

You may or may not request that the Division establish an assessment conference at this time. If no conference is requested by you within 30 days of your receipt of this letter the violation will be reassessed considering available facts and you will be required to pay the civil penalty as reassessed.

Should you decide to request an assessment conference you must do so in writing within 30 days of your receipt of this letter. Please specify in your request what the nature of your contest to the violation will include. For your ease in responding I have classified those contests as follows:

1. A contest of the amount of the assessment and not the fact of the violation(s) having occurred.
2. A contest of the facts of whether the violation(s) occurred.

Board/Charles R. Henderson, Chairman • John L. Bell • E. Steele McIntyre • Edward T. Beck
Robert R. Norman • Margaret R. Bird • Herm Olsen

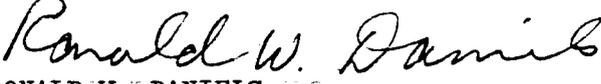
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Mr. John Huefner
December 16, 1981
Page Two

This classification has been made to enable the Division time to arrange for a court reporter to establish a record of the proceedings in contests of the facts of a violation.

My decision resulting from the assessment conference may be appealed to the Board in a more formal proceeding.

Sincerely,


RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

ASSESSMENT WORKSHEET

NOV# N81-3-19-1

PERMIT# ACT/007/007

Name of Company Kaiser Steel Corporation

Violation # 1 of 1 POINTS

- | | | |
|----|--|------------|
| 1. | History of previous violations | <u>18</u> |
| 2. | Seriousness (either A or B) | |
| | A. (1) Probability of occurrence | <u>17</u> |
| | (2) Extent of potential or actual damage | <u>10</u> |
| | B. Obstruction to enforcement | <u>-</u> |
| | Total Seriousness | <u>27</u> |
| 3. | Negligence | <u>8</u> |
| 4. | Good Faith (Will be considered after complete information is received) | <u>-15</u> |

TOTAL POINTS 38

ASSESSMENT \$ 560.00

Violation # _____ of _____ POINTS

- | | | |
|----|--|-------|
| 1. | History of previous violations | _____ |
| 2. | Seriousness (either A or B) | |
| | A. (1) Probability of occurrence | _____ |
| | (2) Extent of potential or actual damage | _____ |
| | B. Obstruction to enforcement | _____ |
| | Total Seriousness | _____ |
| 3. | Negligence | _____ |
| 4. | Good Faith (Will be considered after complete information is received) | _____ |

TOTAL POINTS _____

ASSESSMENT \$ _____

ASSESSMENT EXPLANATION

NOV# N81-3-19-1

PERMIT# ACT/007/007

Name of Company Kaiser Steel Corporation

Violation # 1 of 1

History of previous violations: 18 points.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to design, construct and maintain sediment control facilities is deemed to have resulted in the occurrence of the events of erosion and off-site sedimentation which have an adverse effect on the hydrologic balance. 17 points.

(2) Extent of actual or potential damage:

Damage left the permit area. 10 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: ~~WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED~~

-15 (Rapid Compliance)

**KAISER
STEEL**

KAISER STEEL CORPORATION
SUNNYSIDE COAL MINES
SUNNYSIDE, UTAH 84539
TELEPHONE 801-888-4421

4 November 1981

Mr Ronald Daniels, Assmt. Officer
Dept of Natural Resources
Div. of Oil, Gas & Mining
1588 W. North Temple
Salt Lake City, Utah, 84116

re: NOV#81-3-19-1
Sunnyside Mines
ACT/007/007

The following comments are submitted relative to violation #NOV 81-3-19-1 issued on 29 Oct '81.

In an attempt to alleviate a potential problem a new concept was tried in using belting to confine a ditch. However, after a heavy rainstorm this idea failed causing some erosion around & under the belting which prompted the violation. This condition would have been corrected by us as part of our normal maintenance program.

Eventhough there was some erosion, we feel the effect was minimal beyond the permit area in that a rather wide flat plain with a good vegetative filter lies between the point of erosion and Grassy Trail Creek.

We therefore ask for consideration and relief from this violation. Please note that a plan was sent to your office on 2 Nov '81 to correct this violation.

Sincerely,


John S. Huefner
Reclamation Engineer

cc: Denise A Dragoo

*File Copy - NOU
File ACT/007/007*

Copy to Ron

NOV 05 1981

DIVISION OF
OIL, GAS & MINING