

0025

SCOTT M. MATHESON  
Governor

TEMPLE A. REYNOLDS  
Executive Director,  
NATURAL RESOURCES

CLEON B. FEIGHT  
Director



STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

OIL, GAS, AND MINING BOARD

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July 14, 1981

#0367486

CERTIFIED - RETURN RECEIPT REQUESTED

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

ACC/007/007

RE: Proposed Assessment for  
State Violation No. N81-1-3-5

Dear Mr. Huefner:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector Joseph C. Helfrich on June 18, 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:

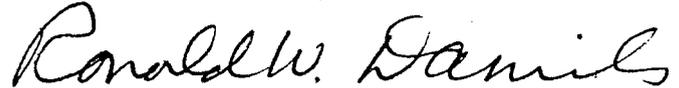
1. A contest of the amount of the assessment and not the fact of the violation(s) having occurred.
2. A contest of the facts of whether the violation(s) occurred.

Mr. John Huefner  
July 14, 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,

A handwritten signature in cursive script that reads "Ronald W. Daniels".

RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

RWD/te

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

PS Form 3800, Apr. 1979 R.A. #N81-1-3-5

SENT TO		<i>John Guynes-Kain</i>		
STREET AND NO.		<i>P.O. Box D</i>		
P.O., STATE AND ZIP CODE		<i>Sunnyside, UT. 8453</i>		
POSTAGE		\$		
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE		¢	
	SPECIAL DELIVERY		¢	
	RESTRICTED DELIVERY		¢	
	OPTIONAL SERVICES			
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		¢
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		¢	
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		¢	
TOTAL POSTAGE AND FEES		\$		
POSTMARK OR DATE				
<i>7/14/81 ACT 007/007</i>				

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends. If special permits. Otherwise, affix to back of article. **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

\* GPO : 1979 O - 299-363

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

ASSESSMENT WORKSHEET

NOV# N81-1-3-5

PERMIT# ACT/007/007

Name of Company Kaiser Steel Corporation

Violation # 1 of 5 POINTS

- 1. History of previous violations 14
- 2. Seriousness (either A or B)
  - A. (1) Probability of occurrence 11
  - (2) Extent of potential or actual damage 9
  - B. Obstruction to enforcement -
  - Total Seriousness 20
- 3. Negligence 8
- 4. Good Faith (Will be considered after complete information is received) -

TOTAL POINTS 42

ASSESSMENT \$ 680.00

Violation # 2 of 5 POINTS

- 1. History of previous violations 14
- 2. Seriousness (either A or B)
  - A. (1) Probability of occurrence 11
  - (2) Extent of potential or actual damage 8
  - B. Obstruction to enforcement -
  - Total Seriousness 19
- 3. Negligence 8
- 4. Good Faith (Will be considered after complete information is received) -

TOTAL POINTS 41

ASSESSMENT \$ 640.00

## ASSESSMENT WORKSHEET

NOV# N81-1-3-5PERMIT# ACT/007/007Name of Company Kaiser Steel CorporationViolation # 3 of 5POINTS

- |   |           |
|---|-----------|
| 1. History of previous violations   | <u>14</u> |
| 2. Seriousness (either A or B)  |           |
| A. (1) Probability of occurrence  | <u>11</u> |
| (2) Extent of potential or actual damage                                  | <u>9</u>  |
| B. Obstruction to enforcement   | <u>-</u>  |
| Total Seriousness   | <u>20</u> |
| 3. Negligence   | <u>8</u>  |
| 4. Good Faith (Will be considered after complete information is received) | <u>-</u>  |

TOTAL POINTS 42ASSESSMENT \$ 680.00Violation # 4 of 5POINTS

- |   |                   |
|---|-------------------|
| 1. History of previous violations   | <u>14</u>         |
| 2. Seriousness (either A or B)  |                   |
| A. (1) Probability of occurrence  | <u>          </u> |
| (2) Extent of potential or actual damage                                  | <u>          </u> |
| B. Obstruction to enforcement   | <u>13</u>         |
| Total Seriousness   | <u>13</u>         |
| 3. Negligence   | <u>8</u>          |
| 4. Good Faith (Will be considered after complete information is received) | <u>-</u>          |

TOTAL POINTS 35ASSESSMENT \$ 500.00

## ASSESSMENT WORKSHEET

NOV# N81-1-3-5PERMIT# ACT/007/007Name of Company Kaiser Steel CorporationViolation # 5 of 5 POINTS

- |   |                   |           |
|---|-------------------|-----------|
| 1. History of previous violations   |                   | <u>14</u> |
| 2. Seriousness (either A or B)  |                   |           |
| A. (1) Probability of occurrence  | <u>12</u>         |           |
| (2) Extent of potential or actual damage                                  | <u>20</u>         |           |
| B. Obstruction to enforcement   | <u>          </u> |           |
| Total Seriousness   |                   | <u>32</u> |
| 3. Negligence   |                   | <u>8</u>  |
| 4. Good Faith (Will be considered after complete information is received) |                   | <u>-</u>  |

TOTAL POINTS 54ASSESSMENT \$ 1,140.00Violation #          of          POINTS

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

TOTAL POINTS           ASSESSMENT \$

ASSESSMENT EXPLANATION

NOV# N81-1-3-5

PERMIT# ACT/007/007

Name of Company Kaiser Steel Corporation

Violation # 1 of 5

History of previous violations: 14 points.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to protect stockpiled topsoil is deemed likely to result in the event, soil loss by erosion. 11 points.

(2) Extent of actual or potential damage:

Damage would extend off the permit area. 9 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N81-1-3-5

PERMIT# ACT/007/007

Name of Company Kaiser Steel Corporation

Violation # 2 of 5

History of previous violations: 14 points.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to obtain Regulatory Authority approval for a stream channel diversion is deemed likely to result in the event, a change in the hydrologic balance of the stream. 11 points.

(2) Extent of actual or potential damage:

Damage would extend off the permit area to an undetermined extent. 8 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N81-1-3-5

PERMIT# ACT/007/007

Name of Company Kaiser Steel Corporation

Violation # 3 of 5

History of previous violations: 14 points.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to pass surface drainage through a sediment pond is deemed likely to result in the event, water pollution, to occur.  
11 points.

(2) Extent of actual or potential damage:

Damage would extend outside the permit area. 9 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N81-1-3-5

PERMIT# ACT/007/007

Name of Company Kaiser Steel Corporation

Violation # 4 of 5

History of previous violations: 14 points.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

(2) Extent of actual or potential damage:

B. Obstruction to enforcement:

An impoundment was constructed on site and the lack of plans hindered the inspector in determining if the structure was properly designed and constructed so as not to create a threat to public health and safety.  
13 points.

Negligence: ORDINARY NEGLIGENCE

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N81-1-3-5

PERMIT# ACT/007/007

Name of Company Kaiser Steel Corporation

Violation # 5 of 5

History of previous violations: 14 points.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to maintain roads to minimize erosion, is deemed likely to result in erosion and water pollution. 12 points.

(2) Extent of actual or potential damage:

Damage would extend off site. 20 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED