



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangarter  
Governor

Dee C. Hansen  
Executive Director

Dianne R. Nielson, Ph.D.  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

*man f.*

February 13, 1990

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 978 650

Mr. William P. Balaz  
Sunnyside Reclamation and Salvage Inc.  
P. O. Box 99  
Sunnyside, Utah 84539

Dear Mr. Balaz:

Re: Finalized Assessment for State Violation Number N89-26-1-1, ACT/007/007,  
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,

Barbara W. Roberts  
Assessment Conference Officer

jb  
cc: John C. Kathmann, OSM, AFO  
MN37/32

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

COMPANY/MINE Sunnyside Reclamation/Sunnyside

NOV #N89-26-1-1

PERMIT #ACT/007/007

VIOLATION 1 OF 1

Assessment Date 2/6/90

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to maintain water quality effluent in accordance with UPDES permit on the discharge pond 002 also known as the Whitmore mine water discharge pond.

Date of Termination: 4/12/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>8</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>25</u>	<u>25</u>
(b) Hindrance to Enforcement	<u>          </u>	<u>          </u>
(3) Negligence	<u>10</u>	<u>10</u>
(4) Good Faith	<u>- 0</u>	<u>- 5</u>
TOTAL	<u>63</u>	<u>50</u>
	TOTAL ASSESSED FINE	<u>\$5000.00</u>

3. Narrative:

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

No history points are assessed since Sunnyside Reclamation and Salvage has no prior violations. Good faith points are awarded for normal compliance of a difficult abatement situation. The violation is assessed at \$1,000.00 for the five separate days of noncompliance.