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Division Director

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

mine f

February 13, 1990

CERTIFIED RETURN RECEIPT REQUESTED
P 074 978 649

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 N89-30-11-1, 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,

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
MN37/32

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

COMPANY/MINE Sunnyside Reclamation/Sunnyside

NOV # N89-30-11-1

PERMIT #ACT/007/007

VIOLATION 1 OF 1

Assessment Date 2/6/90

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to notify the appropriate agencies (EPA, State Health, DOGM) of NPDES permit noncompliance within 5 days of received analysis results.

Date of Termination: 11/8/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u> </u>
Extent of Damage	<u>8</u>	<u> </u>
(b) Hindrance to Enforcement	<u> </u>	<u>15</u>
(3) Negligence	<u>10</u>	<u>5</u>
(4) Good Faith	<u>- 0</u>	<u>- 0</u>
TOTAL	<u>38</u>	<u>20</u>
	TOTAL ASSESSED FINE	<u>\$200.00</u>

3. Narrative:

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

The operator was cited for failing to comply with the reporting requirements of UMC 817.52 in that the 5 day reporting requirement was not met. The operator did not submit the required reports until 13 days following receipt of the water analysis. Without prompt notification, the Division was hindered from quickly evaluating any damage which may have occurred as a result of the noncomplying discharge. Negligence is reduced since the operator did comply with the reporting requirements of the UPDES permit. UMC 817.52 also applies to the surface effects of underground coal operations and is not in conflict with the UPDES permit. Therefore, the violation is sustained as written and the civil penalty assessment modified as indicated.