

RECEIVED
UNITED STATES FUEL COMPANY

DEC 28 1984

HIAWATHA, UTAH 84527

DIVISION OF
OIL, GAS & MINING

December 26, 1984

Mr. Lorin Nielsen, Assessment Officer
State of Utah, Division of Oil,
Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

*ACT 1007/1011
#8*

Dear Mr. Nielsen:

United States Fuel Company has received the proposed assessments for N84-4-9-1, N84-4-8-8 and N84-8-1-3. We would like to request an assessment conference to review the facts of these violations.

The proposed assessments were received by U.S. Fuel Company on December 26, 1984.

Please let us know the date and location of the conference when it has been arranged.

Sincerely,

Jean Semborski

Jean Semborski
Engineer

pc: E. Gardiner
M. Keller





STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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

December 20, 1984

CERTIFIED RETURN RECEIPT REQUESTED
P 402 457 002

Ms. Jean Semborski
U. S. Fuel, Company
Hiawatha Complex
Hiawatha Utah 84527

Dear Ms. Semborski:

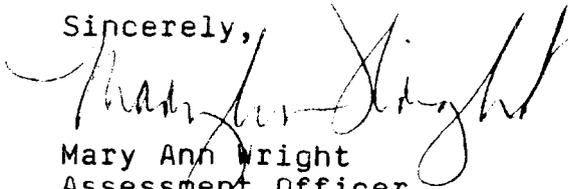
RE: Proposed Assessment for State Violation No. N84-4-9-1 ,
ACT/007/011, Folder # 8, Carbon County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violation. This violation was issued by Division Inspector David Lof on the June 8, 1984. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information, which was submitted by you or your agent within 15 days of receipt of this notice of violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Mr. Lorin Nielsen, Assessment Officer, at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will be considered for the final assessment which were not available on the date of the proposed assessment, due to the length of the abatement period. This assessment does not constitute a request for payment.

Sincerely,


Mary Ann Wright
Assessment Officer

re

Enclosure

cc: D. Griffin, OSM Albuquerque Field Office
73140

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N84-4-9-1
PERMIT # ACT/007/011 VIOLATION 1 OF 1

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 12/7/84 EFFECTIVE ONE YEAR DATE 12/8/83

| PREVIOUS VIOLATIONS | EFF.DATE | PTS | PREVIOUS VIOLATIONS | EFF.DATE | PTS |
|---------------------|----------------|----------|---------------------|----------|-------|
| <u>N84-4-5-3</u> | <u>8-17-84</u> | <u>3</u> | _____ | _____ | _____ |
| <u>N83-4-6-2</u> | <u>2-20-84</u> | <u>2</u> | _____ | _____ | _____ |
| <u>N83-4-9-2</u> | <u>2-20-84</u> | <u>3</u> | _____ | _____ | _____ |

1 point for each past violation, up to one year
5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 7

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Environmental Harm
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 7

PROVIDE AN EXPLANATION OF POINTS Harm to the environment is in the form of air pollution from burning cable insulation. From information provided, a relatively small amount of material seemed to be burning. Assessed at mid-point of unlikely to cause measurable pollution.

3. Would or did the damage or impact remain within the exploration or permit area? No

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 8

PROVIDE AN EXPLANATION OF POINTS Air particles were undoubtedly borne off-site. Assessed down for small amount of material being burned.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 15

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | 0 |
| Negligence | 1-15 | 8 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault
 ASSIGN NEGLIGENCE POINTS 18

PROVIDE AN EXPLANATION OF POINTS Operator had burned in April of 1983 and was verbally warned at the time. Inspection's memo of July 1984 documents this. Operator had a copy of memo. Assessed as knowing conduct.



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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

December 18, 1984

CERTIFIED RETURN RECEIPT REQUESTED
P 396 996 704

Ms. Jean Semborski
U. S. Fuel, Company
Hiawatha Complex
Hiawatha Utah 84527

Dear Ms. Semborski:

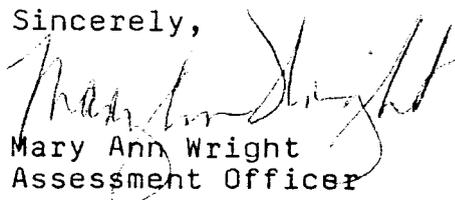
RE: Proposed Assessment for State Violations Nos. N84-4-8-8,
N84-8-1-3, ACT/007/011, Folder #8, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violation. These violations were issued by Division Inspectors David Lof, May 15, 1984 and Tom Wright on August 10, 1984. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information, which was submitted by you or your agent within 15 days of receipt of this notice of violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Mr. Lorin Nielsen, Assessment Officer, at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will be considered for the final assessment which were not available on the date of the proposed assessment, due to the length of the abatement period. This assessment does not constitute a request for payment.

Sincerely,


Mary Ann Wright
Assessment Officer

re
Enclosure

cc: D. Griffin, OSM Albuquerque Field Office
73140

SUMMARY OF PROPOSED ASSESSMENT OF PENALTIES
 UTAH DIVISION OF OIL, GAS AND MINING
 355 West North Temple 3 Triad Center Suite 350
 Salt Lake City, Utah 84180-1203
 801-538-5340

COMPANY/MINE U. S. Fuel/ Hiawatha NOV # N84-4-8-8

PERMIT # ACT/007/011

| <u>VIOLATION</u> | <u>AMOUNT</u> |
|--------------------------------|-----------------|
| <u>1</u> OF <u>8</u> | <u>\$ 1780.</u> |
| <u>2</u> OF <u>8</u> | <u>1700.</u> |
| <u>3</u> OF <u>8</u> | <u>560.</u> |
| <u>4</u> OF <u>8</u> | <u>760.</u> |
| <u>5</u> OF <u>8</u> | <u>300.</u> |
| <u>6</u> OF <u>8</u> | <u>540.</u> |
| <u>7</u> OF <u>8</u> | <u>420.</u> |
| <u>8</u> OF <u>8</u> | <u>1540.</u> |
| <u> </u> OF <u> </u> | <u> </u> |
| <u> </u> OF <u> </u> | <u> </u> |
| TOTAL ASSESSED FINE | <u>\$ 7600.</u> |

0056Q

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

COMPANY/MINE U. S. Fuel Co/Hiawatha NOV # N84-4-8-8
 PERMIT # ACT/007/011 VIOLATION 1 OF 8

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,
 which fall within 1 year of today's date?

ASSESSMENT DATE 12-7-84 EFFECTIVE ONE YEAR DATE 12-8-83

| PREVIOUS VIOLATIONS | EFF.DATE | PTS | PREVIOUS VIOLATIONS | EFF.DATE | PTS |
|---------------------|----------------|----------|-----------------------------|-----------------------------|-----------------------------|
| <u>N84-4-5-3</u> | <u>8-17-84</u> | <u>3</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N83-4-6-2</u> | <u>2-20-84</u> | <u>2</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N83-4-9-2</u> | <u>2-20-84</u> | <u>2</u> | <u> </u> | <u> </u> | <u> </u> |

1 point for each past violation, up to one year
 5 points for each past violation in a CO, up to one year
 No pending notices shall be counted

TOTAL HISTORY POINTS 7

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Water Pollution/Environmental Harm
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 18

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, operator did not riprap the 200 yard stream channel diversion as required in 1979. Since then as much as a foot of erosion and cutting has occurred in the channel. The eroded stream bed has contributed excess sediment to an irrigation (Class 4) stream for five years. Assessed as occurred.

3. Would or did the damage or impact remain within the exploration or permit area? No

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 20

PROVIDE AN EXPLANATION OF POINTS Damage extended offsite to stream used for irrigation. Duration of five years. Assessed upward.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS

PROVIDE AN EXPLANATION OF POINTS TOTAL SERVICUSNESS POINTS (A or B) 38

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | |
| Negligence | 1-15 | 8 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Greater degree of fault
 ASSIGN NEGLIGENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS Violation of a specific condition of the operator's interim permit. Assessed as knowing and willful, but downward for performing required action but improperly (i.e., the diversion was apparently riprapped to the extent available.)

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation

- Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
- Rapid Compliance -1 to -10*
(Permittee used diligence to abate the violation)
- Normal Compliance 0
(Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

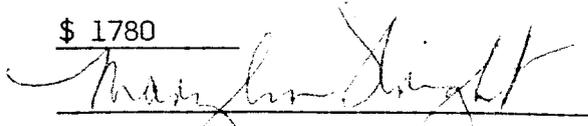
- Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
- Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
- Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? difficult ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS None deserved since an extension to the two week deadline was provided twice. The first work was performed on the NOV 4 days before the first extended deadline.

V. ASSESSMENT SUMMARY FOR N84-4-8-8 #1

| | |
|------------------------------|--------------------|
| I. TOTAL HISTORY POINTS | <u>7</u> |
| II. TOTAL SERIOUSNESS POINTS | <u>38</u> |
| III. TOTAL NEGLIGENCE POINTS | <u>20</u> |
| IV. TOTAL GOOD FAITH POINTS | <u>0</u> |
| TOTAL ASSESSED POINTS | <u>65</u> |
| TOTAL ASSESSED FINE | <u>\$ 1780</u> |



ASSESSMENT DATE 12-7-84 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT

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

COMPANY/MINE U. S. Fuel/ Hiawatha NOV # N84-4-8-8

PERMIT # ACT/007/011 VIOLATION 2 OF 8

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 12-7-84 EFFECTIVE ONE YEAR DATE 12-8-83

| PREVIOUS VIOLATIONS | EFF.DATE | PTS | PREVIOUS VIOLATIONS | EFF.DATE | PTS |
|---------------------|----------------|----------|---------------------|----------|---------|
| <u>N84-4-5-3</u> | <u>8-17-84</u> | <u>3</u> | <u></u> | <u></u> | <u></u> |
| <u>N83-4-6-2</u> | <u>2-20-84</u> | <u>2</u> | <u></u> | <u></u> | <u></u> |
| <u>N83-4-9-2</u> | <u>2-20-84</u> | <u>2</u> | <u></u> | <u></u> | <u></u> |

1 point for each past violation, up to one year
 5 points for each past violation in a CO, up to one year
 No pending notices shall be counted

TOTAL HISTORY POINTS 7

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Water pollution

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 14

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, it is likely that the event occurred due to the runoff from the disturbed area having bypassed the sediment pond for at least 5 years. The runoff goes directly to the stream and visual inspection of muddy runoff indicates the exceeding of effluent limitations. Spilled coal fines were a component of the runoff.

3. Would or did the damage or impact remain within the exploration or permit area? No

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 23

PROVIDE AN EXPLANATION OF POINTS Damage extended offsite. Duration of 5 years. Assessed up for duration.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 37

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | |
| Negligence | 1-15 | 8 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Greater degree of fault
 style="text-align: right;">ASSIGN NEGLIGENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS Assessed as knowing conduct. The approval of the sediment pond plans included runoff from this area. Assessed down for failing to properly implement the plan. This was a violation of a specific permit condition.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation
 Immediate Compliance -11 to -20*
 (Immediately following the issuance of the NOV)
 Rapid Compliance -1 to -10*
 (Permittee used diligence to abate the violation)
 Normal Compliance 0
 (Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation
 Rapid Compliance -11 to -20*
 (Permittee used diligence to abate the violation)
 Normal Compliance -1 to -10*
 (Operator complied within the abatement period required)
 Extended Compliance 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS Operator has onsite resources to submit plans as required. Abatement date extended twice a total approximately 60 days. At 90 days, a failure to abate CO was issued.

V. ASSESSMENT SUMMARY FOR N84-4-8-8, #2

| | |
|------------------------------|--------------------|
| I. TOTAL HISTORY POINTS | <u>7</u> |
| II. TOTAL SERIOUSNESS POINTS | <u>37</u> |
| III. TOTAL NEGLIGENCE POINTS | <u>20</u> |
| IV. TOTAL GOOD FAITH POINTS | <u>0</u> |
| TOTAL ASSESSED POINTS | <u>64</u> |
| TOTAL ASSESSED FINE | <u>\$ 1700</u> |



ASSESSMENT DATE 12-7-84 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N84-4-8-8
PERMIT # ACT/007/011 VIOLATION 3 OF 8

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 12-7-84 EFFECTIVE ONE YEAR DATE 12-7-83

| PREVIOUS VIOLATIONS | EFF.DATE | PTS | PREVIOUS VIOLATIONS | EFF.DATE | PTS |
|---------------------|----------------|----------|-----------------------------|-----------------------------|-----------------------------|
| <u>N84-4-5-3</u> | <u>8-17-84</u> | <u>3</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N83-4-6-2</u> | <u>2-20-84</u> | <u>2</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N83-4-9-2</u> | <u>2-20-84</u> | <u>2</u> | <u> </u> | <u> </u> | <u> </u> |

1 point for each past violation, up to one year
5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 7

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Water Pollution

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 6

PROVIDE AN EXPLANATION OF POINTS Assessed as unlikely. Only 5% of the affected area showed rills; little in the way of coal fines made it through the vegetated buffer zone. The runoff occurred from a relatively small area. One small area had some direct runoff to the stream.

3. Would or did the damage or impact remain within the exploration or permit area? No

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 8

PROVIDE AN EXPLANATION OF POINTS Situation has existed for 5 years. One small area had runoff directly to the stream. Assessed downward.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 14

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | 0 | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | 8 |
| Negligence | 1-15 | 23 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Greater degree of Fault

ASSIGN NEGLIGENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS Violation of a specific permit condition Assessed as failing to implement plans properly.

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N84-4-8-8

PERMIT # ACT/007/011 VIOLATION 4 OF 8

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 12-7-84 EFFECTIVE ONE YEAR DATE 12-8-83

| PREVIOUS VIOLATIONS | EFF. DATE | PTS | PREVIOUS VIOLATIONS | EFF. DATE | PTS |
|---------------------|----------------|----------|---------------------|-----------|-------|
| <u>N84-4-5-3</u> | <u>8-17-84</u> | <u>3</u> | _____ | _____ | _____ |
| <u>N83-4-6-2</u> | <u>2-20-84</u> | <u>2</u> | _____ | _____ | _____ |
| <u>N83-4-9-2</u> | <u>2-20-84</u> | <u>2</u> | _____ | _____ | _____ |

1 point for each past violation, up to one year
5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 7

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Environmental Harm

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 7

PROVIDE AN EXPLANATION OF POINTS Assessed as unlikely. Per inspectors statement affected area of noncoal waste storage totalled about 3 acres. Concern was noted for spilled oil in particular.

3. Would or did the damage or impact remain within the exploration or permit area? yes

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 5

PROVIDE AN EXPLANATION OF POINTS The damage does not extend off the permit area. Extent of the area was about 3 acres. Duration unknown.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS

PROVIDE AN EXPLANATION OF POINTS

TOTAL SERIOUSNESS POINTS (A or B) 12

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | |
| Negligence | 1-15 | 8 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Greater degree of fault

ASSIGN NEGLIGENCE POINTS 25

PROVIDE AN EXPLANATION OF POINTS Assessed as knowing. The operator violated a specific permit condition of approved noncoal waste area. Assessed upward since the operator specifically formulated and had the waste plan approved.

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N84-4-4-8

PERMIT # ACT/007/011 VIOLATION 5 OF 8

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 12-7-84 EFFECTIVE ONE YEAR DATE 12-8-83

| PREVIOUS VIOLATIONS | EFF.DATE | PTS | PREVIOUS VIOLATIONS | EFF.DATE | PTS |
|---------------------|----------------|----------|---------------------|----------|-------|
| <u>N84-4-5-3</u> | <u>8-17-84</u> | <u>3</u> | _____ | _____ | _____ |
| <u>N83-4-6-2</u> | <u>2-20-84</u> | <u>2</u> | _____ | _____ | _____ |
| <u>N83-4-9-2</u> | <u>2-20-84</u> | <u>2</u> | _____ | _____ | _____ |

1 point for each past violation, up to one year
 5 points for each past violation in a CO, up to one year
 No pending notices shall be counted

TOTAL HISTORY POINTS 7

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Water Pollution

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 10

PROVIDE AN EXPLANATION OF POINTS No plug was in place on the pond dewatering device. The outlet leads directing to the stream. Per inspector's statement, no physical evidence of erosion or coal fines were present below outlet. However, only a small storm would be needed in a full pond to cause problems of undesired dewatering.

3. Would or did the damage or impact remain within the exploration or permit area? No

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 8

PROVIDE AN EXPLANATION OF POINTS Evidence of any damage was not present. Damage would have extended offsite.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 18

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | 0 |
| Negligence | 1-15 | 8 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault
 ASSIGN NEGLIGENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS In violation of a specific permit condition or approved pond design. Assessed down for improperly implementing the design.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO

- Easy Abatement Situation
 - Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
 - Rapid Compliance -1 to -10*
(Permittee used diligence to abate the violation)
 - Normal Compliance 0
(Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

- Difficult Abatement Situation
 - Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
 - Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
 - Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? easy ASSIGN GOOD FAITH POINTS -20

PROVIDE AN EXPLANATION OF POINTS Operator had the dewatering device fixed the day following the inspection, which was prior to issuance of the NOV.

V. ASSESSMENT SUMMARY FOR N84-4-8-8, #5

| | |
|------------------------------|-------------------|
| I. TOTAL HISTORY POINTS | <u>7</u> |
| II. TOTAL SERIOUSNESS POINTS | <u>18</u> |
| III. TOTAL NEGLIGENCE POINTS | <u>20</u> |
| IV. TOTAL GOOD FAITH POINTS | <u>-20</u> |
| TOTAL ASSESSED POINTS | <u>25</u> |
| TOTAL ASSESSED FINE | <u>\$ 300</u> |

Mary Ann Wright

ASSESSMENT DATE 12-7-84 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N84-4-4-8
 PERMIT # ACT/007/011 VIOLATION 6 OF 8

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,
which fall within 1 year of today's date?

ASSESSMENT DATE 12-7-84 EFFECTIVE ONE YEAR DATE 12-8-83

| PREVIOUS VIOLATIONS | EFF.DATE | PTS | PREVIOUS VIOLATIONS | EFF.DATE | PTS |
|---------------------|----------------|----------|-----------------------------|-----------------------------|-----------------------------|
| <u>N84-4-5-3</u> | <u>8-17-84</u> | <u>3</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N83-4-6-2</u> | <u>2-20-84</u> | <u>2</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N83-4-9-2</u> | <u>2-20-84</u> | <u>2</u> | <u> </u> | <u> </u> | <u> </u> |

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

1 point for each past violation, up to one year
 5 points for each past violation in a CO, up to one year
 No pending notices shall be counted

TOTAL HISTORY POINTS 7

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Water Pollution
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS Assessed as unlikely but up from the midpoint. Four small areas were not included in the sediment control plan. One area for salt shag storage is considered for further study of its effect on the stream.

3. Would or did the damage or impact remain within the exploration or permit area? No

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 12

PROVIDE AN EXPLANATION OF POINTS Damage extends offsite. Most runoff would pass through a vegetation filter, with some areas going directly to stream. Duration unknown.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 20

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | 0 | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | 8 |
| Negligence | 1-15 | 23 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 10

PROVIDE AN EXPLANATION OF POINTS Some of the areas cited had sediment controls but required maintenance. Others never had been considered as needing controls.

IV. GOOD FAITH MAX - 20 PTS. (either A or B)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation
 Immediate Compliance -11 to -20*
 (Immediately following the issuance of the NOV)
 Rapid Compliance -1 to -10*
 (Permittee used diligence to abate the violation)
 Normal Compliance 0
 (Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

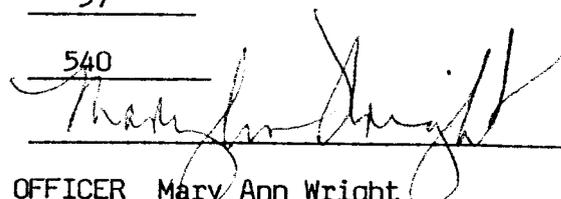
Difficult Abatement Situation
 Rapid Compliance -11 to -20*
 (Permittee used diligence to abate the violation)
 Normal Compliance -1 to -10*
 (Operator complied within the abatement period required)
 Extended Compliance 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS Deadline extended twice. Plans required and submitted one day prior to extended abatement date.

V. ASSESSMENT SUMMARY FOR N84-4-8-8, #6

| | |
|------------------------------|------------|
| I. TOTAL HISTORY POINTS | <u>7</u> |
| II. TOTAL SERIOUSNESS POINTS | <u>20</u> |
| III. TOTAL NEGLIGENCE POINTS | <u>10</u> |
| IV. TOTAL GOOD FAITH POINTS | <u>0</u> |
| TOTAL ASSESSED POINTS | <u>37</u> |
| TOTAL ASSESSED FINE | <u>540</u> |



ASSESSMENT DATE 12-7-84 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N84-4-4-8
 PERMIT # ACT/007/011 VIOLATION 7 OF 8

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 12-7-84 EFFECTIVE ONE YEAR DATE 12-8-83

| PREVIOUS VIOLATIONS | EFF.DATE | PTS | PREVIOUS VIOLATIONS | EFF.DATE | PTS |
|---------------------|----------------|----------|-----------------------------|-----------------------------|-----------------------------|
| <u>N84-4-5-3</u> | <u>8-17-84</u> | <u>3</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N83-4-6-2</u> | <u>2-20-84</u> | <u>2</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N83-4-9-2</u> | <u>2-20-84</u> | <u>2</u> | <u> </u> | <u> </u> | <u> </u> |

1 point for each past violation, up to one year
 5 points for each past violation in a CO, up to one year
 No pending notices shall be counted

TOTAL HISTORY POINTS 7

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Water Pollution
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 5

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement the undersized culvert caused excess flow to take different paths, some of which eventually passed through a sediment pond. Assessed as unlikely.

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N84-4-4-8
 PERMIT # ACT/007/011 VIOLATION 8 OF 8

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,
which fall within 1 year of today's date?

ASSESSMENT DATE 12-7-84 EFFECTIVE ONE YEAR DATE 12-8-83

| PREVIOUS VIOLATIONS | EFF.DATE | PTS | PREVIOUS VIOLATIONS | EFF.DATE | PTS |
|---------------------|----------------|----------|-----------------------------|-----------------------------|-----------------------------|
| <u>N84-4-5-3</u> | <u>8-17-84</u> | <u>3</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N83-4-6-2</u> | <u>2-20-84</u> | <u>2</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N83-4-9-2</u> | <u>2-20-84</u> | <u>2</u> | <u> </u> | <u> </u> | <u> </u> |

1 point for each past violation, up to one year
 5 points for each past violation in a CO, up to one year
 No pending notices shall be counted

TOTAL HISTORY POINTS 7

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Water Pollution

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, coal fines and slag chips from the road were found along the Miller Creek stream embankments.

3. Would or did the damage or impact remain within the exploration or permit area? No

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 23

PROVIDE AN EXPLANATION OF POINTS Duration unknown. Damage to stream from coal fines and slag washed directly into it.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 43

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | 0 | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | |
| Negligence | 1-15 | 8 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Negligence
 ASSIGN NEGLIGENCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS Lack of familiarity with road regulations.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

- Easy Abatement Situation
 - Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
 - Rapid Compliance -1 to -10*
(Permittee used diligence to abate the violation)
 - Normal Compliance 0
(Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

- Difficult Abatement Situation
 - Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
 - Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
 - Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? difficult ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS Abatement date was extended twice to July 13, 1984. Operator submitted plans on July 13, 1984.

V. ASSESSMENT SUMMARY FOR N84-4-8-8, #8

| | |
|------------------------------|--------------------|
| I. TOTAL HISTORY POINTS | <u>7</u> |
| II. TOTAL SERIOUSNESS POINTS | <u>43</u> |
| III. TOTAL NEGLIGENCE POINTS | <u>12</u> |
| IV. TOTAL GOOD FAITH POINTS | <u>0</u> |
| TOTAL ASSESSED POINTS | <u>62</u> |
| TOTAL ASSESSED FINE | <u>\$ 1540</u> |

Mary Ann Wright

ASSESSMENT DATE 12-7-84 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT

SUMMARY OF PROPOSED ASSESSMENT OF PENALTIES
 UTAH DIVISION OF OIL, GAS AND MINING
 355 West North Temple 3 Triad Center Suite 350
 Salt Lake City, Utah 84180-1203
 801-538-5340

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N84-8-1-3

PERMIT # ACT/007/011

| <u>VIOLATION</u> | | <u>AMOUNT</u> |
|--------------------------------|--|-------------------|
| <u>1</u> OF <u>3</u> | | <u>960.</u> |
| <u>2</u> OF <u>3</u> | | <u>800.</u> |
| <u>3</u> OF <u>3</u> | | <u>1260.</u> |
| <u> </u> OF <u> </u> | | <u> </u> |
| <u> </u> OF <u> </u> | | <u> </u> |
| <u> </u> OF <u> </u> | | <u> </u> |
| <u> </u> OF <u> </u> | | <u> </u> |
| <u> </u> OF <u> </u> | | <u> </u> |
| <u> </u> OF <u> </u> | | <u> </u> |
| <u> </u> OF <u> </u> | | <u> </u> |
| TOTAL ASSESSED FINE | | <u>\$ 3020.</u> |

3. Would or did the damage or impact remain within the exploration or permit area? No

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? Actual

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS 22

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement he was prevented from knowing the effectiveness the ponds since plans did not match ponds as built. The inspector is unable to be sure the structures will meet standards during rainfall events or discharge. Did not hinder entire inspection but is a serious structure to alter without proper considerations.

TOTAL SERIOUSNESS POINTS (A or B) 22

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | 0 | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | 8 |
| Negligence | 1-15 | 8 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Negligence

 ASSIGN NEGLIGENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, operator was in violation of a specific permit condition (approved construction plans for the operations sediment ponds.) Assessed as knowing conduct and down from mid-point for improper implementation.

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N84-8-1-3
 PERMIT # ACT/007/011 VIOLATION 2 OF 3

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,
which fall within 1 year of today's date?

ASSESSMENT DATE 12/7/84 EFFECTIVE ONE YEAR DATE 12/8/83

| PREVIOUS VIOLATIONS | EFF. DATE | PTS | PREVIOUS VIOLATIONS | EFF. DATE | PTS |
|---------------------|----------------|----------|---------------------|-----------|-------|
| <u>N84-4-5-3</u> | <u>8-17-84</u> | <u>3</u> | _____ | _____ | _____ |
| <u>N83-4-6-2</u> | <u>2-20-84</u> | <u>2</u> | _____ | _____ | _____ |
| <u>N83-4-9-2</u> | <u>2-20-84</u> | <u>2</u> | _____ | _____ | _____ |

1 point for each past violation, up to one year
 5 points for each past violation in a CO, up to one year
 No pending notices shall be counted

TOTAL HISTORY POINTS 7

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS Truck load out and turnaround does not have runoff passing through sediment controls. Per inspector, on ground inspection shows the deposit of coal fines into the ditch leading to the perennial stream about 150 feet away.

3. Would or did the damage or impact remain within the exploration or permit area? No

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 14

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, duration is not known. Extent of damage is addition of sediment, including coal fines, into perennial stream.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS

PROVIDE AN EXPLANATION OF POINTS

TOTAL SERIOUSNESS POINTS (A or B) 26

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | |
| Negligence | 1-15 | 8 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Negligence
 ASSIGN NEGLIGENCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS The uncontrolled runoff occurred from a well used area (loadout and turnaround). A lack of diligence was demonstrated in not observing and correcting the problem when it began.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

- Easy Abatement Situation
- Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
 - Rapid Compliance -1 to -10*
(Permittee used diligence to abate the violation)
 - Normal Compliance 0
(Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

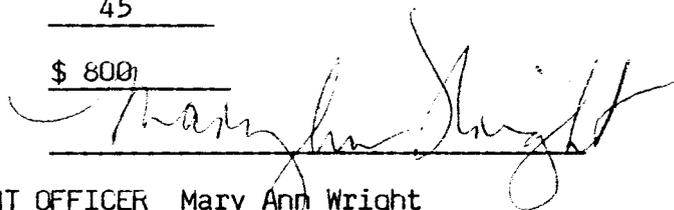
- Difficult Abatement Situation
- Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
 - Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
 - Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? _____ ASSIGN GOOD FAITH POINTS -

PROVIDE AN EXPLANATION OF POINTS NOV is not yet terminated since technical mining staff has not yet reviewed the submitted plans. If plans are approved, the NOV will be terminated effective the day of submission.

28. ASSESSMENT SUMMARY FOR N84-8-1-3, #2

| | |
|------------------------------|-------------------|
| I. TOTAL HISTORY POINTS | <u>7</u> |
| II. TOTAL SERIOUSNESS POINTS | <u>26</u> |
| III. TOTAL NEGLIGENCE POINTS | <u>12</u> |
| IV. TOTAL GOOD FAITH POINTS | <u>-</u> |
| TOTAL ASSESSED POINTS | <u>45</u> |
| TOTAL ASSESSED FINE | <u>\$ 800</u> |



ASSESSMENT DATE 12-7-84 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N84-8-1-3

PERMIT # ACT/007/011 VIOLATION 3 OF 3

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 12/7/84 EFFECTIVE ONE YEAR DATE 12/8/83

| PREVIOUS VIOLATIONS | EFF.DATE | PTS | PREVIOUS VIOLATIONS | EFF.DATE | PTS |
|---------------------|----------------|----------|---------------------|----------|---------|
| <u>N84-4-5-3</u> | <u>8-17-84</u> | <u>3</u> | <u></u> | <u></u> | <u></u> |
| <u>N83-4-6-2</u> | <u>2-20-84</u> | <u>2</u> | <u></u> | <u></u> | <u></u> |
| <u>N83-4-9-2</u> | <u>2-20-84</u> | <u>2</u> | <u></u> | <u></u> | <u></u> |

1 point for each past violation, up to one year
5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 7

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Water Pollution
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 18

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, the diversion structure has not been maintained to handle spring flows. A great deal of cutting into the bank has occurred. Sediment loading has occurred in the stream. The riprapped channel is inadequate to handle the flows.

3. Would or did the damage or impact remain within the exploration or permit area? No

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 14

PROVIDE AN EXPLANATION OF POINTS Damage occurred offsite directly to the streambed. Duration is unknown. The overflow has created a great deal of erosion on the embankment slope of the diversion dam and has severely eroded the banks of the stream itself.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 32

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | 0 |
| Negligence | 1-15 | 8 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Greater degree of fault.

ASSIGN NEGLIGENCE POINTS 18

PROVIDE AN EXPLANATION OF POINTS Operator was warned in October of 1983 by previous inspector. NOV was written on August 10, 1984. No action had been taken in the interim although the operator admitted to the problem and committed to fixing it.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation

- Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
- Rapid Compliance -1 to -10*
(Permittee used diligence to abate the violation)
- Normal Compliance 0
(Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

- Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
- Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
- Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS Plans were required to be submitted within 14 days. Operator requested and received an extension to August 31, 1984. Plans were received on August 31, 1984. Plans done inhouse.

V. ASSESSMENT SUMMARY FOR N84-8-1-3, #3

| | |
|------------------------------|--------------------|
| I. TOTAL HISTORY POINTS | <u>7</u> |
| II. TOTAL SERIOUSNESS POINTS | <u>32</u> |
| III. TOTAL NEGLIGENCE POINTS | <u>18</u> |
| IV. TOTAL GOOD FAITH POINTS | <u>0</u> |
| TOTAL ASSESSED POINTS | <u>57</u> |
| TOTAL ASSESSED FINE | <u>\$ 1260</u> |

Marylin Wright

ASSESSMENT DATE 12-7-84 ASSESSMENT OFFICER Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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

October 11, 1984

Mr. Robert Eccli
Senior Mining Engineer
U. S. Fuel Company
Hiawatha, Utah 84527

Dear Mr. Eccli:

RE: Letter of September 27, 1984 on Notice of Violation
N84-4-8-8, #2 of 8, Hiawatha Complex, ACT/007/011, #3, #7
and #8, Carbon County, Utah

Your letter requests clarification of the intent of the violation. U. S. Fuel Company is of the opinion that the area in question is adequately addressed. The following explanation is provided by Dave Lof, the issuing inspector.

Exhibit XIII-2B of the operator's permit application, entitled "Middle Fork Haul Road," shows that the Middle Fork Road surface is crowned. Because the road is crowned, some of the runoff from the road surface enters the road side ditch on the north side. This runoff mixes with undisturbed runoff from the adjacent slopes and bypasses the Middle Fork sediment pond.

Runoff from the Middle Fork Road from Station 143+00 to its terminus is not treated in accordance with either UMC 817.42(a)(1) or the operator's approved interim permit.

UMC 817.42(a)(1) states that all surface drainage from the disturbed area shall be passed through a sediment pond, a series of sediment ponds, or a treatment facility before leaving the permit area. According to the regulations, the portion of the road addressed in the violation should be treated as described in UMC 817.42(a)(1). Because the road is crowned, some of the disturbed area runoff bypasses the sediment pond.

Page 2
Mr. Robert Eccli
ACT/007/011
October 11, 1984

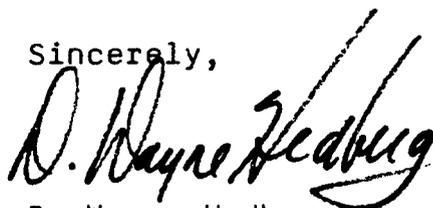
Figure 4 of the "Surface Hydrology and Culvert Adequacy. . . ." study prepared by Vaughn Hansen Associates in August 1978, entitled "Middle Fork Yard," includes the area addressed in the violation within the disturbed area boundary. This figure, along with more specific design information, was the basis for granting approval of the Middle Fork Sediment Pond. Therefore, the approval of the sediment pond required that all of the disturbed area, as shown in Figure 4 be passed through the sediment pond. Once again, because the road surface is crowned, a portion of the disturbed area bypasses the sediment pond.

Disturbed area runoff from the road must be treated in accordance with UMC 817.42(a)(1) or the Division may grant a small area exemption in accordance with UMC 817.42(a)(3). The installation of the slotted cross drain would meet the requirements of UMC 817.42(a)(1).

In order for the Division to grant a small area exemption for the road, the operator must demonstrate, by use of alternative sediment control measures, that the drainage will meet all applicable state and federal effluent limitation standards.

Should you have further questions on this matter, please feel free to contact Dave Lof or myself.

Sincerely,



D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

JW/btb
cc: Allen Klein
Robert Hagen
Joe Helfrich
Jim Smith
92910-13 & 14

FUEL

SHARON STEEL CORPORATION
MINING DIVISION
P.O. BOX 41000-P, NORMANDY BRANCH
MIAMI BEACH, FLORIDA 33141

B 03027

VOUCHER NUMBER

DETACH AND RETAIN THIS STATEMENT
If Voucher is incorrect return and explain error

| Vendor Number | Invoice Number | Date | | | Gross Amount | Discount | Net Amount |
|---------------|----------------|------|-----|-----|--------------|----------|------------|
| | | Mo. | Day | Yr. | | | |
| 53501 | N84-4-5-2 | 06 | 15 | 4 | 1370 00 | | 1370 00 |
| | 85564 TOTAL | | | | 1370 00 | | 1370 00 |

PAID FOR THE ACCOUNT OF UNITED STATES FUEL COMPANY

SHARONSTEEL • Mining Division

P.O. Box 41000-P, Normandy Branch, Miami Beach, Florida 33141

CHECK NO. 30272
AN NVE COMPANY No. B030272

PAY EXACTLY *****1370 DOLLARS AND 00 CENTS

| | | | |
|------|-----|-----|-----------------|
| Date | | | AMOUNT OF CHECK |
| Mo. | Day | Yr. | |
| 7 | 27 | 84 | \$ *****1370 00 |

TO THE ORDER OF
UTAH DIV. OF OIL GAS & MINING
4241 STATE OFFICE BUILDING
SALT LAKE CITY, UTAH 84114

John G. ...
AUTHORIZED OFFICIAL

First Interstate Bank
SALT LAKE CITY, UTAH

⑆030272⑆ ⑆424000025⑆ 02 02626 8⑆

NOT GOOD UNLESS SIGNED AND COUNTERSIGNED
AUTHORIZED OFFICIAL

AM/007/011 #8



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

7-11
Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

July 17, 1984

CERTIFIED RETURN RECEIPT REQUESTED
P 402 457 330

Ms. Jean Semborski
Engineer
U. S. Fuel Company
Hiawatha, Utah 84527

Dear Ms. Semborski:

RE: Finalized Assessment for State Violation No. N84-4-5-3,
ACT/007/011, Folder #8, Carbon County, Utah

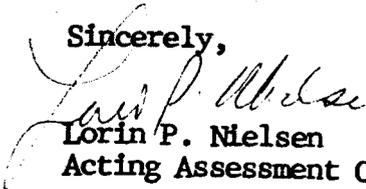
The civil penalty for the Violation No. N84-4-5-3 has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,


Lorin P. Nielsen
Acting Assessment Officer

LPN:re

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty
40460

ASSESSMENT CONFERENCE REPORT
 Utah Division of Oil, Gas & Mining
 4241 State Office Building
 Salt Lake City, Utah 84114

NOV/CO No. N84-4-5-2

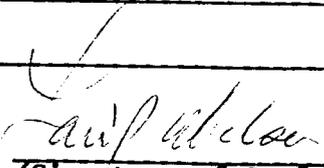
Location of Conference: Oil, Gas and Mining, Salt Lake City, Utah

Date of Conference: June 15, 1984

Company Name/Mine Name: U. S. Fuel Company, Hiawatha

| <u>Persons in Attendance</u> | <u>Representing</u> |
|------------------------------|---|
| <u>Lorin R. Nielsen</u> | <u>Acting Assessment Conference Officer</u> |
| <u>Dave Lof</u> | <u>Division of Oil, Gas and Mining</u> |
| <u>Jean Semborski</u> | <u>U. S. Fuel Company</u> |

| <u>Violation No.</u> | <u>Amount of Assessment As Revised</u> |
|----------------------|--|
| <u>#1 of 3</u> | <u>\$ 340.00</u> |
| <u>#2 of 3</u> | <u>150.00</u> |
| <u>#3 of 3</u> | <u>880.00</u> |
| | |
| <u>TOTAL</u> | <u>\$ 1,370.00</u> |
| | |
| | <u>\$</u> |

Approved:  Date: 7-17-84
 (Signature of Conference Officer)

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 15 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-4-5-3Violation 1 of 3(a) Nature of violation: Discharge from Slurry Pond into Sediment Pond(b) Date of termination: March 5, 1984

| 2. Conference Result | <u>Proposed Assessment</u> | <u>Conference Assessment</u> |
|-------------------------------|--------------------------------|----------------------------------|
| (a) History/Prev. Vio. | <u>6</u> | <u>6</u> |
| (b) Seriousness | | |
| (1) Probability of Occurrence | <u>9</u> | <u>9</u> |
| Extent of Damage | <u>8</u> | <u>8</u> |
| (2) Obstr. to Enforcement | <u> </u> | <u> </u> |
| (c) Negligence | <u>14</u> | <u>14</u> |
| (d) Good Faith | <u>-10</u> | <u>-10</u> |
| (e) Acreage | <u> </u> | <u> </u> |
| TOTAL | <u>27</u> | <u>27</u> |

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

History: Affirmed

Seriousness:

Probability: Statements at conference and correspondance of DOGM
Hydrologist support proposed assessment. Affirmed

Extent: Outside area but potential low. Affirmed

Negligence: Affirmed

Good Faith: Affirmed

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N84-4-5-3Violation 2 of 3(a) Nature of violation: Failure to design and monitor waste embankment with adequate freeboard(b) Date of termination: February 13, 1984

| 2. Conference Result | <u>Proposed Assessment</u> | <u>Conference Assessment</u> |
|-------------------------------|----------------------------|------------------------------|
| (a) History/Prev. Vio. | <u>6</u> | <u>6</u> |
| (b) Seriousness | | |
| (1) Probability of Occurrence | <u>9</u> | <u>9</u> |
| Extent of Damage | <u>10</u> | <u>10</u> |
| (2) Obstr. to Enforcement | <u> </u> | <u> </u> |
| (c) Negligence | <u>19</u> | <u>19</u> |
| (d) Good Faith | <u>-20</u> | <u>-20</u> |
| (e) Acreage | <u> </u> | <u> </u> |
| TOTAL | <u>15</u> | <u>15</u> |

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

History: Affirmed

Seriousness:

Probability: ~~Average~~ drained to pond in question exceeds capacity of pond to handle runoff. Freeboard clearly insufficient. Pond capacity 6.2 acre feet. 220 acres of area to be drained with runoff far in excess of 15 acre feet, affirmed.

Extent: Affirmed

Negligence: Affirmed

Good Faith: Affirmed

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N84-4-5-3

Violation 3 of 3

(a) Nature of violation: Failure to have pond certified by registered Professional Engineer

Date of termination: February 13, 1984

| 2. Conference Result | <u>Proposed Assessment</u> | <u>Conference Assessment</u> |
|-------------------------------|--------------------------------|----------------------------------|
| (a) History/Prev. Vio. | <u>6</u> | <u>6</u> |
| (b) Seriousness | | |
| (1) Probability of Occurrence | _____ | _____ |
| Extent of Damage | _____ | _____ |
| (2) Obstr. to Enforcement | <u>15</u> | <u>15</u> |
| (c) Negligence | <u>26</u> | <u>26</u> |
| (d) Good Faith | _____ | _____ |
| (e) Acreage | _____ | _____ |
| TOTAL | <u>47</u> | <u>47</u> |

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

History: Affirmed

Seriousness: Obstruction affirmed

Negligence: Affirmed



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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

July 3, 1984

CERTIFIED RETURN RECEIPT REQUESTED
NO. P 402 456 205

Ms. Jean Semborski, Engineer
United States Fuel Company
Hiawatha, Utah 84527

Dear Ms. Semborski:

Re: Final Assessment for State Violation No. N84-4-5-3,
ACT/007/011, Folder No. 8, Carbon County, Utah

This is to inform you that I will be away from my office until July 16, 1984. The final assessment on the above-mentioned violation, for which the assessment conference was held June 15, 1984, will be forthcoming upon my return.

Thank you for your patience in this matter.

Sincerely,

Lorin P. Nielsen
Acting Assessment
Conference Officer

LPN/jb

cc: J. L. Merriman, OSM
J. C. Helfrich, I.&E., DOGM
B. W. Roberts, Asst. Atty. Gen.

94960



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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

June 1, 1984

CERTIFIED RETURN RECEIPT REQUESTED
NO. 396 996 925

Ms. Jean Semborski
Engineer
United States Fuel Company
Hiawatha, Utah 84527

Dear Ms. Semborski:

Re: Assessment Conference for State Violation No. N84-4-5-3,
ACT/007/011, Folder #8, Carbon County, Utah

As per your request of May 14, 1984—Friday, June 15, 1984 at 10:30 a.m. has been established for the informal assessment conference on State Violation No. N84-4-5-3.

The conference will be held in the office of the Division of Oil, Gas and Mining at the address listed above.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lorin P. Nielsen'.

Lorin P. Nielsen
Acting Assessment
Conference Officer

LPN/jb

cc: R. H. Hagen, OSM
J. L. Merriman, OSM
J. C. Helfrich, I&E, DOGM
B. W. Roberts, Asst. Atty. Gen.
Public Notice Board

91170



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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

May 7, 1984

P 402 457 308
CERTIFIED RETURN RECEIPT REQUESTED

Ms. Jean Semborski
U. S. Fuel Comany
Hiawatha, Ut. 84527

RE: Proposed Assessment for State
Violation No. N83-4-5-3,
#'s 3 of 3
ACT/007/011, Folder #8
Carbon County, Utah

Dear Ms. Semborski:

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violation. This violation was issued by Division Inspector David Lof on February 15, 1984. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information, which was submitted by you or your agent within 15 days of receipt of this Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Mr. Lorin Nielson, Assessment Officer, at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will be considered for the final assessment which were not available on the date of the proposed assessment, due to the length of the abatement period.

Sincerely,

Mary Ann Wright
Assessment Officer

MAW/re

cc: J. Merriman, OSM Albuquerque Field Office

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

COMPANY/MINE U.S. Fuel/Hiwatha NOV # N83-4-5-3

PERMIT # ACT/007/011 VIOLATION 3 OF 3

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE _____ EFFECTIVE ONE YEAR DATE _____

| | | | | | |
|---------------------|----------|-----|---------------------|----------|-----|
| PREVIOUS VIOLATIONS | EFF.DATE | PTS | PREVIOUS VIOLATIONS | EFF.DATE | PTS |
|---------------------|----------|-----|---------------------|----------|-----|

SAME AS FOR I of 3 _____

1 point for each past violation, up to one year
5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 6

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Hindrance

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? NA

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

3. Would or did the damage or impact remain within the exploration or permit area? _____

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

 N/A

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS 15

PROVIDE AN EXPLANATION OF POINTS Violation of the cited regulation actually hindered inspector in determining proper construction of ponds. Non-certified ponds prevented inspector from knowing actual construction and as-built sizing specifications.

TOTAL SERIOUSNESS POINTS (A or B) _____

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | |
| Negligence | 1-15 | 8 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Greater Degree of fault

ASSIGN NEGLIGENCE POINTS 26

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, three (3) verbal documented requests over a six month's period were made to the operator to have the ponds certified by an R.P.E. All notes were ignored until February 8, 1984 at which time an unacceptable certification by a land surveyor was provided. Assessed as knowing conduct and assigned upward from the midpoint.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation
 Immediate Compliance -11 to -20*
 (Immediately following the issuance of the NOV)
 Rapid Compliance -1 to -10*
 (Permittee used diligence to abate the violation)
 Normal Compliance 0
 (Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation
 Rapid Compliance -11 to -20*
 (Permittee used diligence to abate the violation)
 Normal Compliance -1 to -10*
 (Operator complied within the abatement period required)
 Extended Compliance 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

EASY OR DIFFICULT ABATEMENT? Difficult ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS Abatement date was March 2, 1984; operator abated on March 5, 1984.

V. ASSESSMENT SUMMARY FOR ACT/007/011, N83-4-5-3, # 3 of 3

| | | |
|---|------------------------------|--------------|
| 5 | I. TOTAL HISTORY POINTS | <u>6</u> |
| | II. TOTAL SERIOUSNESS POINTS | <u>15</u> |
| | III. TOTAL NEGLIGENCE POINTS | <u>26</u> |
| | IV. TOTAL GOOD FAITH POINTS | <u>0</u> |
| | TOTAL ASSESSED POINTS | <u>47</u> |
| | TOTAL ASSESSED FINE | <u>\$880</u> |

Mary Ann Wright

ASSESSMENT DATE May 7, 1984 ASSESSMENT OFFICER Mary Ann Wright

X INITIAL ASSESSMENT _____ FINAL ASSESSMENT

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

COMPANY/MINE U.S. Fuel/Hiawatha NOV # N83-4-5-3
 PERMIT # ACT/007/011 VIOLATION 1 OF 3

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 5-7-84 EFFECTIVE ONE YEAR DATE 5-8-83

| PREVIOUS VIOLATIONS | EFF.DATE | PTS | PREVIOUS VIOLATIONS | EFF.DATE | PTS |
|---------------------|----------------|----------|-----------------------------|-----------------------------|-----------------------------|
| <u>N82-2-1-1</u> | <u>7-20-83</u> | <u>1</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N82-2-2-1</u> | <u>7-20-83</u> | <u>1</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N83-4-6-2</u> | <u>2-20-84</u> | <u>2</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>N83-4-9-2</u> | <u>2-20-84</u> | <u>2</u> | <u> </u> | <u> </u> | <u> </u> |

1 point for each past violation, up to one year
 5 points for each past violation in a CO, up to one year
 No pending notices shall be counted

TOTAL HISTORY POINTS 6

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Environmental Harm/Water Pollution
- What is the probability of the occurrence of the events which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 9

PROVIDE AN EXPLANATION OF POINTS Assigned at high end of unlikely since, as per inspector's statement, if a 10-year, 24 hour event occurred, overflow from the (either underdesigned or improperly used) pond would spill onto a sagebrush flat and an ephemeral drainage. Excess sediment could cause harm to the area but may be more unlikely to cause water pollution.

3. Would or did the damage or impact remain within the exploration or permit area? no

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 8

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, "the extent of potential damage is fairly low." Assessed downward from the mid-point.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? NA

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS NA

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 17

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | |
| Negligence | 1-15 | 8 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE _____

Negligence

ASSIGN NEGLIGENCE POINTS 14

PROVIDE AN EXPLANATION OF POINTS UMC 817.46 (t) required examination of ponds for "structural weakness, erosion, and other hazardous conditions" and report of problems to DOGM. Per inspector statement, operator was aware of pond overload from slurry pond seepage since December 23, 1983. Negligence assessed upward from the mid-point.

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

COMPANY/MINE U.S. Fuel/Hlawatha NOV # N83-4-5-3

PERMIT # ACT/007/011 VIOLATION 2 OF 3

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE May 7, 1984 EFFECTIVE ONE YEAR DATE May 8, 1983

| | | | | | |
|---------------------|----------|-----|---------------------|----------|-----|
| PREVIOUS VIOLATIONS | EFF.DATE | PTS | PREVIOUS VIOLATIONS | EFF.DATE | PTS |
|---------------------|----------|-----|---------------------|----------|-----|

| | | | | | |
|---------------------------|--|--|--|--|--|
| <u>Same as for 1 of 3</u> | | | | | |
|---------------------------|--|--|--|--|--|

1 point for each past violation, up to one year
 5 points for each past violation in a CO, up to one year
 No pending notices shall be counted

TOTAL HISTORY POINTS 6

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Damage to Property/Environmental harm/Water pollution/Reduced establishment of a permanent, diverse and effective vegetative cover.

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| PROBABILITY | RANGE | MID-POINT |
|---------------|-------|-----------|
| None | 0 | |
| Insignificant | 1-4 | 2 |
| Unlikely | 5-9 | 7 |
| Likely | 10-14 | 12 |
| Occurred | 15-20 | 17 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 9

PROVIDE AN EXPLANATION OF POINTS Assigned at high end of unlikely since, as per inspector's statement, if a 10 year, 24 hour event occurred, the slurry pond embankment could be overtopped resulting in mass failure of the structure due to the structure not having been designed to contain all the runoff it should. Excess sediment could cause damage+harm to the area but may be less likely to cause water pollution.

3. Would or did the damage or impact remain within the exploration or permit area? NC

| | RANGE | MID-POINT |
|-------------------------|-------|-----------|
| Within Exp/Permit Area | 0-7* | 4 |
| Outside Exp/Permit Area | 8-25* | 16 |

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 10

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, the extent of potential damage, assuming mass failure, could extend offsite to cover a large undisturbed area with coal fines, cause extensive erosion and damage State Highway 10. It could also severely damage Sediment Pond 5 North.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

| | RANGE | MID-POINT |
|---------------------|-------|-----------|
| Potential hindrance | 1-12 | 7 |
| Actual hindrance | 13-25 | 19 |

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS NA

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 19

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | | MID-POINT |
|-------------------------|-------|-----------|
| No Negligence | 0 | |
| Negligence | 1-15 | 8 |
| Greater Degree of Fault | 16-30 | 23 |

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 10

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, operator is aware of a 3 foot freeboard minimum for the slurry ponds and should "recognize the potential problem knowing that they only had .5 foot of freeboard left before they were in violation and knowing the potential amount of runoff which could be contributed to the slurry pond". Assessed upward for not maintaining awareness of proper functioning of slurrys vs. sediment pond usage.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation

- Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
- Rapid Compliance -1 to -10*
(Permittee used diligence to abate the violation)
- Normal Compliance 0
(Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

- Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
- Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
- Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

EASY OR DIFFICULT ABATEMENT? easy ASSIGN GOOD FAITH POINTS _____

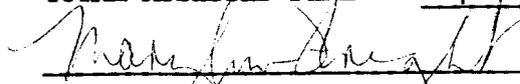
PROVIDE AN EXPLANATION OF POINTS Date of NOV receipt was February 20, 1984, date of abatement was February 13, 1984. Compliance assessed as immediate.

V. ASSESSMENT SUMMARY FOR ACT/007/011, N83-4-5-3 # 2 of 3

| | |
|------------------------------|------------|
| I. TOTAL HISTORY POINTS | <u>6</u> |
| II. TOTAL SERIOUSNESS POINTS | <u>19</u> |
| III. TOTAL NEGLIGENCE POINTS | <u>10</u> |
| IV. TOTAL GOOD FAITH POINTS | <u>-20</u> |

TOTAL ASSESSED POINTS 15

TOTAL ASSESSED FINE \$150.00



ASSESSMENT DATE May 7, 1984 ASSESSMENT OFFICER Mary Ann Wright

X INITIAL ASSESSMENT _____ FINAL ASSESSMENT

FUEL

SHARON STEEL CORPORATION
19th FLOOR, UNIVERSITY CLUB BLDG.
SALT LAKE CITY, UTAH 84111

B 27838

VOUCHER NUMBER

DETACH AND RETAIN THIS STATEMENT
Voucher is incorrect return and explain error

| Vendor Number | Invoice Number | Date | | | Gross Amount | Discount | Net Amount |
|---------------|----------------|------|-----|-----|--------------|----------|--|
| | | Mo. | Day | Yr. | | | |
| | | | | | | | PAID FOR THE ACCOUNT OF UNITED STATES FUEL COMPANY |
| 48325 | N83-4-9-2 | 12 | 01 | 3 | 1060 00 | | 1060 00 |
| 48326 | N83-4-6-2 | 12 | 01 | 3 | 1300 00 | | 1300 00 |
| | 85564 TOTAL | | | | 2360 00 | | 2360 00 |

*Act/007 Jan
#8*

SHARONSTEEL • Mining Division

CHECK NO. 27838
AN NVE COMPANY No. B 27838

136 East South Temple Salt Lake City, Utah 84111

PAY EXACTLY *****2360 DOLLARS AND 00 CENTS

| Date | | |
|------|-----|-----|
| Mo. | Day | Yr. |
| 2 | 07 | 84 |

| AMOUNT OF CHECK | |
|-----------------|--------------|
| \$ | *****2360 00 |

TO THE ORDER OF UTAH DIV. OF OIL GAS & MINING
4241 STATE OFFICE BUILDING
SALT LAKE CITY, UTAH 84114

Paul Gagnier

AUTHORIZED OFFICIAL

TO THE

First Interstate Bank
SALT LAKE CITY, UTAH

31-2

M. Meyer

AUTHORIZED OFFICIAL
NOT GOOD UNLESS SIGNED AND COUNTERSIGNED

⑈027838⑈ ⑆124000025⑆ 02 02626 8⑈



STATE OF UTAH
 NATURAL RESOURCES
 Oil, Gas & Mining

Scott M. Matheson, Governor
 Temple A. Reynolds, Executive Director
 Dr. G. A. (Jim) Shirazi, Division Director

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

December 21, 1983

Mr. Errol Gardiner
 Vice-President
 U. S. Fuel Company
 Hiawatha, Utah 84527

ACT/007/011
 #8

RE: Newly Appointed
 Assessment Officers

Dear Mr. Gardiner:

The Board of Oil, Gas and Mining has appointed the following individuals to act as Assessment Officers under SMC/UMC 845.

Mary Ann Wright, DOGM Program Specialist for Abandoned Mine Land Reclamation, has been appointed Assessment Officer responsible for assessing penalties under SMC/UMC 845.11 - 845.17. This appointment will be effective December 15, 1983 for all new cases. Ron Daniels, the current Assessment Officer, will follow through with existing cases.

Lorin Nielsen, Department of Natural Resources, Associate Director for Energy and Minerals, has been appointed Assessment Officer responsible for conducting assessment conferences under SMC/UMC 845.18. The appointment will be effective January 1, 1984. Ultimately, these duties will also be handled pending Board appointment, within the Division. However, this cannot be accomplished at this time.

The reason for these new appointments is two-fold. First, a separation of assessment officers' duties, as above, has been recommended by OSM. Currently, Ron Daniels, DOGM Associate Director for Mining, is fulfilling both duties. Second, a separation of these responsibilities helps to avoid conflicts of interest in the duties and provides for a broader base for assessing, reassessing, and appealing penalties with the Division.

Thank you for your assistance in implementing these changes. If you have any questions, please contact me.

Best Regards,

Dianne R. Nielson
 Director

DRN/ml1



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

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

November 22, 1983

P396-996-827
CERTIFIED RETURN RECEIPT REQUESTED

Mr. Glen A. Zumwalt, Manager
Utah Fuel Company
Helper, Utah 84526

RE: Assessment Conference for
State Violation No. N83-2-8-1 &
N83-2-5-1
ACT/007/011, Folder No. 8
Carbon County, Utah

Dear Mr. Zumwalt:

Pursuant to your request I have established November 28, 1983 at 3:00 p.m., for the assessment conference on State Violation Nos. N83-4-6-2 and N83-2-5-1.

The conference will be held in this office.

Please let me know if this arrangement creates any problems for you.

Sincerely,

A handwritten signature in cursive script that reads "Ron Daniels".

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/jvb

cc: Barbara Roberts, A. G.'s Office
Joe Helfrich, DOGM
Jodie Merriman, OSM

Set up Ak. for 10 AM

11/22/83 file
AC 1/007/005



**Utah Fuel
Company**

P.O. Box 719
Helper, Utah 84526
(801) 637-7925 or
Salt Lake City line:
(801) 566-7111

Subsidiary of
Coastal States
Energy Company

September 13, 1983

Mr. Ron Daniels
Acting Assessment Office
State of Utah
DIVISION OF OIL, GAS & MINING
4242 State Office Building
Salt Lake City, Utah 84114

Dear Ron:

We wish to request an assessment conference on violations N 83-2-8-1 and
N 83-2-5-1.

If you have any questions concerning this, please contact me.

Sincerely,

for

Glen A. Zumwalt
Vice President and General Manager

GAZ:ss

RECEIVED
SEP 16 1983

DIVISION OF
OIL, GAS & MINING



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

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

November 17, 1983

REGISTERED RETURN RECEIPT REQUESTED

Mr. Jean Semborski, Engineer I
United State Fuel Company
Hiawatha, Utah 84527

RE: Assessment Conference for
State Violation No. N83-4-6-2
Hiawatha Complex
ACT/007/011, Folder No. 8
Carbon County, Utah

Dear Mr. Semborski:

Pursuant to your request of September 13, 1983 I have established December 1, 1983 at 2:30 p.m., for the assessment conference on State Violation No. N83-4-6-2.

The conference will be held in this office.

Please let me know if this arrangement creates any problems for you.

Sincerely,

A handwritten signature in cursive script that reads "Ron Daniels".

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/jvb

cc: Barbara Roberts, A. G.'s Office
Joe Helfrich, DOGM
Jodie Merriman, OSM

NOV 11 ACT/007/011 Set up these NOV's for 130 on

UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

11/23/83
See next page.

September 13, 1983

Mr. Ronald W. Daniels
Acting Assessment Officer
State of Utah, Div. of Oil Gas & Mining
4241 State Office Building
Salt Lake City, Utah 84114

Re: Request of Assessment
Conference on NOV 83-4-6-2

Dear Mr. Daniels;

United States Fuel Company has received your September 7, 1983 letter containing the proposed penalty assessment for Violation 83-4-6-2 issued by Mr. Dave Lof.

We would like to request an assessment conference in regard to this violation based on the penalty assigned to it.

Please inform us where and when this conference is to be held.

Sincerely,

Jean Semborski

Jean Semborski
Engineer I

JS:lj

RECEIVED
SEP 25 1983

DIVISION OF
OIL, GAS & MINING





STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

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

November 17, 1983

REGISTERED RETURN RECEIPT REQUESTED

Mr. Jean Semborski, Engineer I
United States Fuel Company
Hiawatha, Utah 84527

RE: Assessment Conference for
State Violation No. N83-4-9-2
Hiawatha Complex
ACT/007/011, Folder No. 8
Carbon County, Utah

Dear Mr. Semborski:

Pursuant to your request of September 13, 1983 I have established December 1, 1983 at 2:30 p.m., for the assessment conference on State Violation No. N83-4-9-2.

The conference will be held in this office.

Please let me know if this arrangement creates any problems for you.

Sincerely,

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

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/jvb

cc: Barbara Roberts, A. G.'s Office
Joe Helfrich, DOGM
Jodie Merriman, OSM

UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

September 13, 1983

Mr. Ronald W. Daniels
Acting Assessment Officer
State of Utah, Div. of Oil Gas & Mining
4241 State Office Building
Salt Lake City, Utah 84114

Re: Request for an Assessment
Conference - NOV 83-4-9-2

Dear Mr. Daniels;

also N83-4-6-2

After receiving your proposed penalty assessment for NOV 83-4-9-2, United States Fuel Company would like to request an assessment conference. We object to the amount of the assess^d penalty and would like the opportunity to confer on the issues of the violation.

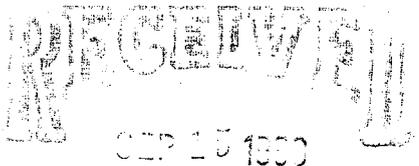
Please let us know at what time and location this conference is to be held.

Sincerely,

Jean Semborski

Jean Semborski
Engineer I

JS:lj



DIVISION OF
OIL, GAS & MINING





STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

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

September 7, 1983

#996 875

CERTIFIED RETURN RECEIPT REQUESTED

U. S. Fuel Company
Ms. Jean Semborski
Hiawatha, Utah 84527

RE: Proposed Assessment for State
Violation No.
N83-4-6-2
ACT/007/011
Folder No. 8
Carbon County, Utah

Dear Ms. Semborski:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the aforereferenced violation(s). The aforesaid violation(s) was issued by Division Inspector Dave Lof, on the 1st day of July, 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A written request for an assessment conference must be submitted within fifteen (15) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violaton, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) days of receipt of the finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

A petition to appeal the results of the assessment conference to the Board of Oil, Gas and Mining must be received within fifteen (15) days from the date of service of the finalized assessment along with the assessed penalty which shall be escrowed with the Division of Oil, Gas and Mining pending the outcome of the Board Hearing.

Ms. Jean Semborski
ACT/007/011
September 7, 1983
Page Two

You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,



RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/jv

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty

ASSESSMENT WORKSHEET

NOV# N83-4-6-2PERMIT# ACT/007/011Name of Company Hiawatha Complex - U. S. Fuel CompanyViolation # 1 of 2 POINTS

1. History of previous violations 5
 2. Seriousness (either A or B)

A. (1) Probability of occurrence 12
 (2) Extent of potential or
 actual damage 12

B. Obstruction to enforcement

Total Seriousness 24

3. Negligence 8

4. Good Faith (Will be considered after complete
 information is received)

TOTAL POINTS 37

ASSESSMENT \$ 540.00

Violation # 2 of 2 POINTS

1. History of previous violations 5
 2. Seriousness (either A or B)

A. (1) Probability of occurrence 17
 (2) Extent of potential or
 actual damage 16

B. Obstruction to enforcement

Total Seriousness 33

3. Negligence 12

4. Good Faith (Will be considered after complete
 information is received)

TOTAL POINTS 50

ASSESSMENT \$ 1,000.00

ASSESSMENT EXPLANATION

NOV# N83-4-6-2

PERMIT# ACT/007/011

Name of Company Hiawatha Complex - U. S. Fuel Company

Violation # 1 of 2

History of previous violations: N82-2-5-1 of 10/27/82 = 1 pt, N82-210-1 of 2/11/83 = 1 pt.,
N82-2-7-1 of 1/15/83 = 1pt., N83-2-1-1 of 9/20/83 = 1 pt., N83-2-2-1 of 7/20/83= 1 pt.

Seriousness: (either A or B)

Total = 5 pts

A. (1) Probability of occurrence:

The violation was issued for a failure to mine in accordance with an approved interium permit and a failure to maintain sediment control measures. The events likely to occur are water pollution, erosion, and failure of revegetation. 12 pts.

(2) Extent of actual or potential damage:

Damage may extend off the permit area. 12 pts.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE - 8 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N83-4-6-2

PERMIT# ACT/007/011

Name of Company Hiawatha Complex - U. S. Fuel Company

Violation # 2 of 2

History of previous violations: 5 pts. see 1 of 2 for detail.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation was issued for a failure to mine in accordance with an approved interim plan, a failure to prevent additional contributions to stream flow, and a failure to adequately construct temporary diversions. The event which occurred was water pollution. 17 pts.

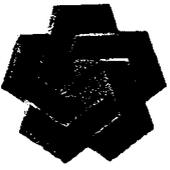
(2) Extent of actual or potential damage:

Damage, though limited, extended off the permit area. 16 pts.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE 12 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

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

September 7, 1983

996-874

CERTIFIED RETURN RECEIPT REQUESTED

U. S. Fuel Company
Ms. Jean Semborski
Hiawatha, Utah 84527

RE: Proposed Assessment for State
Violation No.
N83-4-9-2
ACT/007/OIL
Carbon County, Utah

Dear Ms. Semborski:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the aforereferenced violation(s). The aforesaid violation(s) was issued by Division Inspector David Lof, on the 4th day of August, 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A written request for an assessment conference must be submitted within fifteen (15) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violation, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) days of receipt of the finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

A petition to appeal the results of the assessment conference to the Board of Oil, Gas and Mining must be received within fifteen (15) days from the date of service of the finalized assessment along with the assessed penalty which shall be escrowed with the Division of Oil, Gas and Mining pending the outcome of the Board Hearing.

Ms. Jean Semborski
ACT/007/011
September 7, 1983
Page Two

You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,



RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/jv

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DGM
Barbara Roberts, Atty

ASSESSMENT WORKSHEET

NOV# N83-4-9-2PERMIT# ACT/007/011Name of Company Hiawatha Complex - U. S. Fuel Company

| Violation # <u>1</u> of <u>2</u> | <u>POINTS</u> |
|--|--------------------|
| 1. History of previous violations | <u>5</u> |
| 2. Seriousness (either A or B) | |
| A. (1) Probability of occurrence <u>17</u> | |
| (2) Extent of potential or actual damage <u>16</u> | |
| B. Obstruction to enforcement <u> </u> | |
| Total Seriousness | <u>33</u> |
| 3. Negligence | <u>12</u> |
| 4. Good Faith (Will be considered after complete information is received) | <u> </u> |
| TOTAL POINTS | <u>50</u> |
| ASSESSMENT | <u>\$ 1,000.00</u> |

| Violation # <u>2</u> of <u>2</u> | <u>POINTS</u> |
|--|------------------|
| 1. History of previous violations | <u>5</u> |
| 2. Seriousness (either A or B) | |
| A. (1) Probability of occurrence <u>7</u> | |
| (2) Extent of potential or actual damage <u>16</u> | |
| B. Obstruction to enforcement <u> </u> | |
| Total Seriousness | <u>23</u> |
| 3. Negligence | <u>8</u> |
| 4. Good Faith (Will be considered after complete information is received) | <u>-</u> |
| TOTAL POINTS | <u>36</u> |
| ASSESSMENT | <u>\$ 520.00</u> |

ASSESSMENT EXPLANATION

NOV# N83-4-9-2
PERMIT# ACT/007/011

Name of Company Hiawatha Complex - U. S. Fuel Company

Violation # 1 of 2

History of previous violations: N82-2-5-2 of 10/27/82 = 1 pt., N82- 10-1 of 2/11/83 = 1 pt., N82-2-7-1 of 1/15/83 = 1 pt., N83-2-1-1 of 7/20/83 = 1 pt., N83-2-2-1 of 7/20/83 = 1 pt.,
Seriousness: (either A or B) N83 -4-6-2 is pending. Total = 5 pts.

A. (1) Probability of occurrence:

The violation was issued for a failure to maintain diversions and a failure to pass runoff through a sediment control facility. The event, water pollution, is deemed to have occurred. 17 pts.

(2) Extent of actual or potential damage:

Damage, though unquantified, left the permit area. 16 pts.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE 12 pts.

Good Faith: ~~WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED~~
Not Eligible

ASSESSMENT EXPLANATION

NOV# N83-4-9-2

PERMIT# ACT/007/011

Name of Company Hiawatha Complex - U. S. Fuel Company

Violation # 2 of 2

History of previous violations: 5 pts. see 1 of 2 for detail

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation was issued for a failure to do design and construct sediment control measures and a failure to minimize erosion. The event of water pollution is deemed unlikely to occur. 7 pts.

(2) Extent of actual or potential damage:

Damage, though unquantifiable, would extend off the permit area. 16 pts.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE 8 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

31-2 WALKER BANK & TRUST CO. SALT LAKE CITY, UTAH

NO. 1050

UNITED STATES FUEL COMPANY AN NVE COMPANY
FREIGHT SETTLEMENT DRAFT

HIAWATHA, UTAH

DATE July 29, 1983

PAY TO THE ORDER OF UTAH DIVISION OF OIL AND GAS \$140.00

FOR FREIGHT CHARGES PER SETTLEMENT DATED 7-22-83

DISTRIBUTION

SHARON STEEL CORPORATION
19TH FLOOR UNIVERSITY CLUB BUILDING
136 EAST SO. TEMPLE STREET - SALT LAKE CITY, UTAH 84113

SIGNED

AUTHORIZED OFFICIAL

COUNTERSIGNED

AUTHORIZED OFFICIAL

⑈01030⑈ ⑆724000025⑆ 02026227⑈

(NOT GOOD UNLESS SIGNED AND COUNTERSIGNED)

ACI/007/001
#8

UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

August 1, 1983

Ms. Terri Reid
State of Utah, Natural Resource and Energy
Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

Re: Payment of Violation
#N83-2-2-1

Dear Ms. Reid;

Enclosed, please find check #1030 for the amount of \$140.00. This should then make violations #N83-2-2-1 (with this check) and #N83-2-1-1 paid in full and close both violation cases.

We await a refund of \$320.00 - yet from case #N83-2-1-1.

Thank you for your help in resolving the final payment on these two violation fines.

Sincerely,



Jean Semborski
Engineer

JS:lj

cc: E.M. Gardiner

Enclosure





STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

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

June 20, 1983

REGISTERED RETURN RECEIPT REQUESTED P 396 996 770

Ms. Jean Semborski
U. S. Fuel Company
Hiawatha Complex
Hiawatha, Utah 84527

RE: Finalized Assessment for
State Violations No.'s
N83-2-1-1 & N83-2-2-1
ACT/007/011
Folder No. 8
Carbon County, Utah

Dear Ms. Semborski:

The civil penalty for the Violation No. N83-2-1-1 and N83-2-2-1, has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Ron Daniels".

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/lm

Enclosure

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty

ASSESSMENT CONFERENCE REPORT
 Utah Division of Oil, Gas & Mining
 1588 West North Temple
 Salt Lake City, Utah

NOV/80 No. N83-2-1-1 and N83-2-2-1

Location of Conference: Salt Lake City, Utah
 Date of Conference: May 25, 1983
 Company Name/Mine Name: U.S. Fuel Company / Hiawatha Complex / ACT/007/011

Persons in Attendance

~~Title~~ Representing
 U.S. Fuel Company

Jean Semborski

DOG M

Sandy Pruitt, Ron Daniels

Amount of Assessment
 As Revised

Violation No.

N83-2-1-1

\$ 760.00

N83-2-2-1

140.00

TOTAL DUE:

\$ 900.00

Approved: *Ron Daniels*

(Signature of Conference Officer)

Date: 6/20/83

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 30 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/~~Cessation~~ Order No. N83-2-1-1

Violation 1 of 1

(a) Nature of violation: Failure to pass drainage through a treatment facility

(b) Date of termination: March 17, 1983

| 2. Conference Result | <u>Proposed Assessment</u> | <u>Conference Assessment</u> |
|-------------------------------|--------------------------------|----------------------------------|
| (a) History/Prev. Vio. | <u>10</u> | <u>10</u> |
| (b) Seriousness | | |
| (1) Probability of Occurrence | <u>18</u> | <u>18</u> |
| Extent of Damage | <u>16</u> | <u>16</u> |
| (2) Obstr. to Enforcement | <u>--</u> | <u>--</u> |
| (c) Negligence | <u>8</u> | <u>4</u> |
| (d) Good Faith | <u>--</u> | <u>-4</u> |
| (e) Acreage | <u>--</u> | <u>--</u> |
| TOTAL | <u>52</u> | <u>44</u> |

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Abatement is rated as a difficult situation, normal compliance. Negligence is lower than previously estimated due to extreme weather conditions and apparent damage to temporary sediment controls by a third party.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/~~Cessation~~ Order No. N83-2-2-1

Violation 1 of 1

(a) Nature of violation: Operating without a permit.

(b) Date of termination: April 12, 1983

| 2. Conference Result | <u>Proposed Assessment</u> | <u>Conference Assessment</u> |
|-------------------------------|--------------------------------|----------------------------------|
| (a) History/Prev. Vio. | <u>10</u> | <u>10</u> |
| (b) Seriousness | | |
| (1) Probability of Occurrence | <u>--</u> | <u>--</u> |
| Extent of Damage | <u>--</u> | <u>--</u> |
| (2) Obstr. to Enforcement | <u>12</u> | <u>6</u> |
| (c) Negligence | <u>8</u> | <u>2</u> |
| (d) Good Faith | <u>--</u> | <u>--</u> |
| (e) Acreage | <u>--</u> | <u>--</u> |
| TOTAL | <u>30</u> | <u>14</u> |

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Abatement work qualifies the action taken here as easy abatement, rapid compliance. Negligence is less than originally estimated since the operator did design the structure to MSHA specifications and while in contact with that agency. Obstruction or hindrance is less than originally estimated.



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

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

April 29, 1983

Ms. Jean Semborski
U. S. Fuel Company
Hiawatha Complex
Hiawatha, Utah 84527

RE: Assessment Conference for
State Violation No. N83-2-2-1 and
N83-2-1-1
ACT/007/011
Folder No. 8

Dear Ms. Semborski:

Pursuant to your request of April 11, 1983, I have established May 25, 1983 at 10:30 A.M., for the assessment conference on State Violation No. N83-2-2-1 and N83-2-1-1.

The conference will be held in this office.

Please let me know if this arrangement creates any problems for you.

Sincerely,

A handwritten signature in cursive script that reads "Ron Daniels".

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/lm

cc: Barbara Roberts, A. G.'s Office
Joe Helfrich, DOGM
Jodie Merriman, OSM
Public Notice Board



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

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

April 7, 1983

CERTIFIED RETURN RECEIPT REQUESTED P 324 743 356

Ms. Jean Semborski
U. S. Fuel Company
Hiawatha Complex
Hiawatha, Utah 84527

RE: Proposed Assessment for State
Violation No.
N83-2-2-1
ACT/007/011
Folder No. 7
Carbon County, Utah

Dear Ms. Semborski:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the aforereferenced violation(s). The aforesaid violation(s) was issued by Division Inspector Sandy Pruitt on the 4th of April, 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A written request for an assessment conference must be submitted within fifteen (15) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violaton, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) days of receipt of the finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

A petition to appeal the results of the assessment conference to the Board of Oil, Gas and Mining must be received within fifteen (15) days from the date of service of the finalized assessment along with the assessed penalty which shall be escrowed with the Division of Oil, Gas and Mining pending the outcome of the Board Hearing.

Ms. Jean Semborski
ACT/007/011
April 7, 1983
Page Two

You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,



RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/gb

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty

ASSESSMENT WORKSHEET

NOV# N83-2-2-1PERMIT# ACT/007/011Name of Company U.S. Fuel CompanyViolation # 1 of 1 POINTS1. History of previous violations 10

2. Seriousness (either A or B)

A. (1) Probability of occurrence --(2) Extent of potential or
actual damage --B. Obstruction to enforcement 12Total Seriousness 123. Negligence 84. Good Faith (Will be considered after complete
information is received) --TOTAL POINTS 30ASSESSMENT \$ 400.00Violation # -- of -- POINTS1. 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# N83-2-2-1

PERMIT# ACT/007/011

Name of Company U. S. Fuel Company

Violation # 1 of 1

History of previous violations: N81-3-3-1 eff.6/4/82 = 5pts., N81-3-22-3 eff.6/4/82 = 1pt.
N81-3-20-1 eff. 6/4/82 = 1 pt., N82-2-5-1 eff.10/27/82 = 1pt., N82-2-10-1 eff.2/11/83 = 1pt.

Seriousness: (either A or B) N82-2-7-1 eff.1/15/83 = 1pt., N83-2-1-1 is pending. Total = 10 pts

A. (1) Probability of occurrence:

(2) Extent of actual or potential damage:

B. Obstruction to enforcement:

The inspector was unable to determine if the subject embankment was designed and constructed to the required standard. 12 pts.

Negligence: ORDINARY NEGLIGENCE 8 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

FUEL

SHARON STEEL CORPORATION
19th FLOOR, UNIVERSITY CLUB BLDG.
SALT LAKE CITY, UTAH 84111

B 24011
VOUCHER NUMBER

DETACH AND RETAIN THIS STATEMENT
If Voucher is incorrect return and explain error

| Vendor Number | Invoice Number | Date | | | Description | Gross Amount | Discount | Net Amount |
|---------------|----------------|-------|-----|-----|--|--------------|----------|------------|
| | | Mo. | Day | Yr. | | | | |
| | | | | | PAID FOR THE ACCOUNT OF UNITED STATES FUEL COMPANY | | | |
| 40246 | 40246 | 03 | 01 | 3 | NB2-2-5-1 | 760.00 | 760.00 | |
| 40247 | 40247 | 03 | 03 | 3 | ZZ NB3-2-1-1 | 1080.00 | 1080.00 | |
| | 77300 | TOTAL | | | | 1840.00 | 1840.00 | |

RECEIVED
DIVISION OF
OIL GAS & MINING

SHARONSTEEL • Mining Division

136 East South Temple Salt Lake City, Utah 84111

CHECK NO. 24011
AN OVE COMPANY

No. B 24011

PAY EXACTLY *****1840 DOLLARS AND 00 CENTS

| Date | | |
|------|-----|-----|
| Mo. | Day | Yr. |
| 3 | 31 | 83 |

| AMOUNT OF CHECK |
|-----------------|
| \$ *****1840.00 |

TO THE ORDER OF
ST. OF UTAH NAT. RES. & ENERGY
4241 STATE OFFICE BLDG
SALT LAKE CITY UTAH 84114

John G. ...

AUTHORIZED OFFICIAL

TO THE

First Interstate Bank
SALT LAKE CITY, UTAH 31-2

[Signature]

AUTHORIZED OFFICIAL

NOT GOOD UNLESS SIGNED AND COUNTERSIGNED

⑈02401⑈ ⑆124000025⑆ 02 02626 8⑈

ACT/007/009 #8



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

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

March 9, 1983

U. S. Fuel Company
Hiawatha, Utah 84527

Attention: Ms. Jean Semborski

ACT/007/011
#8

RE: Division Policy on the escrow
of Civil Penalties prior to
an Assessment Conference.

Dear Ms. Semborski:

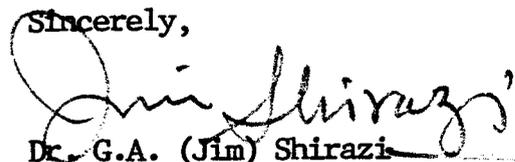
This letter serves as notice to you relative to a change in the Division's policy with regard to the prepayment of civil penalties for violations. As you can see from the attached memo, a conflict in the statute exists on this point.

The change in policy is based upon the guidance provided by the attached Memorandum from the Assistant Attorney General. The memo states that the civil penalties are due and payable within 30 days following receipt of the finalized assessment or shall be placed into escrow prior to appeal to the Board but in no event later than 30 days from receipt of the finalized assessment.

If you or your staff have any further questions on the policy please contact Ron Daniels, Acting Assessment Officer at (801) 533-5771.

Thank you for your cooperation.

Sincerely,


Dr. G.A. (Jim) Shirazi
Director, Oil Gas & Mining

JS/RWD:lm

cc: Joe Helfrich, DOGM
Jodie Merriman, OSM
Terri Reid, DOGM



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

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

March 1, 1983

REGISTERED RETURN RECEIPT REQUESTED

Ms. Jean Semborski
 U. S. Fuel Company
 Hiawatha, Utah 84527

#7 #8

RE: Delinquent Payment
 Civil Penalty Assessment
 State Violation(s)
 N82-2-5-1
 ACT/007/011

Dear Ms. Semborski:

It has come to the attention of the Division that the civil penalty(s) assessed for the above listed violations(s) have not been paid by your company. This letter constitutes final notice to you to pay these penalties. The amounts due are as follows:

| <u>Violation No.</u> | <u>Amount Due</u> |
|----------------------|-------------------|
| N82-2-5-1 | \$760.00 |

Please pay the above amount to this Division within 30 days of your receipt of this letter or this matter will be referred to the Attorney General's Office. If you feel that an error has occurred in our accounting system or you have already paid the assessed penalty please respond within 30 days to avoid this occurrence.

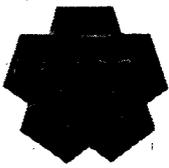
Thank you for your cooperation in this matter.

Sincerely,

RW Daniels
 RONALD W. DANIELS
 ACTING ASSESSMENT OFFICER

RWD/lm

cc: Joe Helfrich, DOGM
 Barbara Roberts, A. G.'s Office
 Jodie Merriman, OSM



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

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

elling
 certified mail, no.
 P324 743 346

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

February 28, 1983

CERTIFIED RETURN RECEIPT REQUESTED

Ms. Jean Semborski
 U. S. Fuel Company
 Hiawatha Complex
 Hiawatha, Utah 84527

#8

RE: Proposed
 Assessment for
 State Violation
 No. N83-2-1-1
 ACT/007/011

Dear Ms. Semborski:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the afore referenced violation(s). The aforesaid violation(s) was issued by Division Inspector Sandy Pruitt on the 17th of February 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A request for an assessment conference must be submitted within thirty (30) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violation, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) days of receipt of the proposed assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

Ms. Jean Semborski
ACT/007/011
February 28, 1983
Page Two

You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,



RONALD W. DANIELS
ACTING ASSESSMENT
OFFICER

RWD/lm

cc: Jodie Merriman, OSM
Barbara Roberts, A. G.'s Office
Joe Helfrich, DOGM

ASSESSMENT WORKSHEET

NOV# N83-2-1-1PERMIT# ACT/007/011Name of Company U. S. Fuel CompanyViolation # 1 of 1POINTS

| | |
|---|----------------|
| 1. History of previous violations | <u>10</u> |
| 2. Seriousness (either A or B) | |
| A. (1) Probability of occurrence | <u>18</u> |
| (2) Extent of potential or actual damage | <u>16</u> |
| B. Obstruction to enforcement | <u>--</u> |
| Total Seriousness | <u>34</u> |
| 3. Negligence | <u>8</u> |
| 4. Good Faith (Will be considered after complete information is received) | <u>--</u> |
| | |
| TOTAL POINTS | <u>52</u> |
| ASSESSMENT | <u>\$ 1080</u> |

Violation # -- 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 | <u> </u> |
| ASSESSMENT | <u>\$ </u> |

ASSESSMENT EXPLANATION

NOV# N83-2-1-1

PERMIT# ACT/007/011

Name of Company U. S. Fuel Company

Violation # 1 of 1

History of previous violations: N81-3-3-1 eff. 6-4-82 = 5 pts., N81-3-22-3 eff. 6-4-82=1 pt.
N81-3-20-1 eff. 6-4-82=1 pt., N82-2-5-1 eff. 10-27-82=1 pt., N82-2-10-1 eff. 2-11-83 = 1 pt.
Seriousness: (either A or B) N82-2-7-1 eff. 1-15-83 = 1 pt. Total 10 pts.

A. (1) Probability of occurrence: The violation, failure to pass disturbed area drainage through a treatment facility, is deemed to have resulted in the occurrence of water pollution and stream sedimentation.

18 pts.

(2) Extent of actual or potential damage: Damage extended off the permit area.
16 pts.

B. Obstruction to enforcement: ----

Negligence: ORDINARY NEGLIGENCE The violation occurred as a result of inadequate maintenance and a lack of reasonable care on the part of the operator.

8 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED



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

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

February 3, 1983

Mr. Richard Graeme
U. S. Fuel Company
Hiawatha, Utah 84527

ACT 1007/011
7 + (#8)

Dear Mr. Graeme:

This letter is a follow up to the conference which I held with you and Ms. Semborski on November 17, 1982. You will recall that the purpose of the conference was to determine if the Hiawatha Mine Complex during the period from June 1981 through June 1982 exhibited a pattern of violations. A pattern, once determined or suspected to exist must be found by the Division to be caused by an unwarranted failure to comply or caused by willful actions of the operator, according to 40-10-22 (d) U.C.A. The Board's rules however at UMC 843.13(a)(3) and UMC 843.13(b) delegate this function to the Board of Oil, Gas and Mining.

I am therefore, by this letter finding that a pattern of violations existed at the Hiawatha Complex during the period of June 1981 through June 1982. It appears that a pattern of violations in the topsoil management area existed by virtue of N81-1-8-7 (1 and 2 of 7), C81-3-3-1, and N81-3-22-2, all state violations.

By copying this letter to Ms. Barbara Roberts, Assistant Attorney General, I am requesting her assistance in issuing an Order to Show Cause to U. S. Fuel for consideration at the March 1983 Board Hearing. The order will direct U. S. Fuel to show cause why the Hiawatha Complex permit and right to mine under the Act should not be suspended or revoked.

Mr. Richard Graeme
February 3, 1983
Page Two

Please contact me if you have any questions on this determination.

Sincerely,



RONALD W. DANIELS
DEPUTY DIRECTOR

RWD/lm

cc: Barbara Roberts, A.G.
Paula Frank, DOGM
Temple Reynolds, DNRE
Robert Hagen, OSM
Jim Jensen,
Joe Helfrich, DOGM
Jim Smith, DOGM

| | | | |
|-------------------|----------------------|----------------|------------|
| K 4 & 5 | | 5 1/2 | 2 for same |
| K 6 | mineyard load out | 1 1/2 5 1/2 | |
| Entire operation | | 1 | |
| North Fork | | 1/2 | |
| 1 Cessation order | | * | |

Categories of violations

~~Const. related~~

| | | | |
|--|----------------------------------|------------|--------------------------------------|
| Lack of removal or storage. New Const. | Topsoil related | A, B, C, D | 81-1-8-7 |
| | In conjunction with construction | a, b, c, d | 81-3-3-1 81-3-22-3 81-3-20-1 x |
| Maintenance problems | | 7 | 81-3-9-2 (2) |
| | | | 81-3-13-2 |
| | | | 81-1-8-7 (3) |
| | | | 82-7-2-1 x 82-2-6-1 |

~~One time corrections~~ 1 81-3-13-2 ^{outside the} _{time}

| | | | |
|--|--------------------|------------|-------------|
| Sediment control construction related | A, B, C a, b, c | some viol. | 82-7-2-1 x |
| | | | 81-3-20-1 x |

81-1-8-7 ✓ Failure to pass runoff through sediment control structure, K6 loadout: vacated

Failure to pass runoff through sediment control structure, K4 & 5.

✓ Failure to store noncoal waste in approved manner, K6 shop area, later ~~vacated~~ ^{vacated}

Oct 4250-

81-3-3-1 Cessation Order: Failure to remove, segregate & protect topsoil prior to disturbance by surface operations, K6 Loadout.

acc?

81-3-22-3 Failure to adequately remove topsoil, K6 loadout

April

82-7-2-1 Failure to pass runoff from disturbed area through sed. pond, K6 yard & Loadout

82-2-6-1 Failure to maintain sed. control structures to prevent erosion, downslope M. Fork parking lot.

oct?

81-3-20-1 Failure to operate pursuant to approved permit K6 Loadout

June

82-2-5-1 Failure to construct sed. pond in accord. with approved plan, K6 Loadout

June 1981 to June 1982 Violations

June

81-3-9-2 Failure to seal underground shaft, K 4 & 5.

81-3-9-2 Failure to pass surface drainage from disturbed area, through sediment pond, K 4 & 5.

July

81-3-13-2 Failure to dispose of non-coal waste in a controlled manner in designated portions of permit area. ^{entire} _{operati}

81-3-13-2 Failure to design, construct & maintain Class I roads. Ditches & culverts - M. Fork, N. Fork road

Sept.

81-8-8-7 V Failure to operate in accordance with approved plan, K. 6. Conveyor construction, all stipulations, vacated

Failure to remove, segregate & stockpile, protect topsoil below M. Fork sed. pond, K6 Loadout area.

Failure to protect topsoil from ^{unnecessary} ~~unnecessary~~ compaction & contaminants, S. Fork topsoil piles located adjacent to drainage.

Failure to maintain sed. control structures so as to prevent erosion, downslope of M. Fork parking lot



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

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

file

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

January 11, 1983

REGISTERED RETURN RECEIPT REQUESTED *POS 7075438*

Ms. Jean Semborski
U. S. Fuel Company
Hiawatha Complex
Hiawatha, Utah 84527

#8

RE: Finalized
Assessment for
State Violation
No. N82-2-10-1
ACT/007/04

Dear Ms. Semborski:

The civil penalty for the Violation No. N82-2-10-1, has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within thirty days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within thirty days of receipt of the proposed assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

RONALD W. DANIELS
ACTING ASSESSMENT
OFFICER

RWD/lm

cc: Barbara Roberts, Assistant Attorney General
Joe Helfrich, DOGM
Jodie Merriman, OSM, Albuquerque

ASSESSMENT CONFERENCE REPORT
 Utah Division of Oil, Gas & Mining
 1588 West North Temple
 Salt Lake City, Utah

NOV/CO No. N82-2-10-1

Location of Conference: Salt Lake City, Utah

Date of Conference: January 11, 1983

Company Name/Mine Name: U. S. Fuel/ Hiawatha Complex

| <u>Persons in Attendance</u> | <u>Title</u> |
|------------------------------|-------------------------------|
| <u>Jean Semborski</u> | <u>U. S. Fuel Corporation</u> |
| <u>Sandy Pruitt</u> | <u>DOG M</u> |
| <u>Ron Daniels</u> | <u>DOG M</u> |

| <u>Violation No.</u> | <u>Amount of Assessment As Revised</u> |
|--|--|
| <u>1 of 1</u> | <u>\$ 440.00</u> |
| <u>The operator is due a refund in the amount of \$640.00</u> | |
| <u>due to his having escrowed \$1,080.00 by check #22617 dated</u> | |
| <u>12/21/82.</u> | |
| | |
| | |
| | |

Approved: *RW Daniels* Date: 1/11/83
 (Signature of Conference Officer)

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 30 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N82-2-10-1

Violation 1 of 1

(a) Nature of violation: Failure to pass runoff through a sediment control facility.

(b) Date of termination: _____

| 2. Conference Result | Proposed Assessment | Conference Assessment |
|-------------------------------|------------------------|--------------------------|
| (a) History/Prev. Vio. | <u>8</u> | <u>8</u> |
| (b) Seriousness | | |
| (1) Probability of Occurrence | <u>17</u> | <u>17</u> |
| Extent of Damage | <u>20</u> | <u>14</u> |
| (2) Obstr. to Enforcement | <u>--</u> | <u>--</u> |
| (c) Negligence | <u>12</u> | <u>8</u> |
| Degree of Fault | <u>-5</u> | <u>-15</u> |
| Percentage | <u>--</u> | <u>--</u> |
| TOTAL | <u>52</u> | <u>32</u> |

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

The inspector judged the operator to have implemented rapid compliance for a difficult abatement situation. Extent of Damage is reduced based on water quality analyses presented by the inspector. Negligence is reduced to the mid-point of ordinary negligence due the violation having occurred as a result of the water following in the tracks created in soil by a vehicle, thus the violation occurred through less fault of the operator than originally estimated.