



0021

STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

File  
007/011 #5  
Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

December 29, 1987

CERTIFIED RETURN RECEIPT REQUESTED  
P 001 770 775

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

Dear Ms. Semborski:

Re: Finalized Assessment for State Violation No. N87-17-4-4,  
ACT/007/011, Folder #5, Carbon County, Utah

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must have escrowed the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail % Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Barbara W. Roberts  
Assessment Conference Officer

re

cc: John C. Kathmann, OSM AFO

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N87-17-4-4  
 PERMIT # ACT/007/011 VIOLATION 1 OF 4  
 Assessment Date 12-4-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to maintain perimeter markers around the permitted disturbed area.

Date of termination: 8-19-87

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>4</u>	<u>N/A</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>                    </u>	<u>N/A</u>
Extent of Damage	<u>                    </u>	<u>N/A</u>
(b) Hindrance to Enforcement	<u>13</u>	<u>N/A</u>
(3) Negligence	<u>5</u>	<u>N/A</u>
(4) Good Faith	<u>                    </u>	<u>                    </u>
TOTAL	<u>22</u>	<u>N/A</u>
	TOTAL ASSESSED FINE	<u>\$ 0</u>

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

There is no violation of UMC 817.11(a)(1) and (b) since markers for the perimeter of the permitted disturbed area were maintained in the same manner as historically established.

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N87-17-4-4  
 PERMIT # ACT/007/011 VIOLATION 2 OF 4  
 Assessment Date 12-4-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to construct culverts to avoid plugging or collapse.

---



---

Date of termination: 8-4-87

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>4</u>	<u>N/A</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>N/A</u>
Extent of Damage	<u>12</u>	<u>N/A</u>
(b) Hindrance to Enforcement	<u>          </u>	<u>N/A</u>
(3) Negligence	<u>12</u>	<u>N/A</u>
(4) Good Faith	<u>0</u>	<u>N/A</u>
TOTAL	<u>48</u>	<u>N/A</u>
	TOTAL ASSESSED FINE	<u>\$ N/A</u>

3. Narrative:

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

No evidence presented to indicate that construction of the culverts was other than that approved by the Division. Although some uncertainty exists, data presented indicates that the storm occurring during the inspection was greater than the design storm. Certainly the high intensity, although short duration, storm taxed the subject culverts. It is the opinion of this assessment conference office that there was no construction defect and therefore, this violation is vacated.

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N87-14-4-4  
 PERMIT # ACT/007/011 VIOLATION 3 OF 4  
 Assessment Date \_\_\_\_\_ Assessment Officer Barbara W. Roberts

Nature of violation: Fail to construct sediment ponds in accordance with the approved plans.

Date of termination: 9-15-87

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>4</u>	<u>4</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>10</u>	<u>5</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u>        </u>	<u>        </u>
(3) Negligence	<u>16</u>	<u>2</u>
(4) Good Faith	<u>0</u>	<u>-20</u>
 TOTAL	 <u>30</u>	 <u>0</u>
	TOTAL ASSESSED FINE	\$ <u>0</u>

3. Narrative:

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

Negligence points drop significantly to reflect the fact that, the sediment ponds did not look like the MRP due to an earlier request by an inspector to modify the structure. Although the operator should have submitted a modification, negligence points assessed low to reflect the reality of the time (1982-83) when on the ground compliance followed inspector's requests and plan modification was not always stressed. The probability of occurrence points are dropped to reflect the pond's oversized construction and that the chances of water pollution through short circuiting are less probable.

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N87-17-4-4  
 PERMIT # ACT/007/011 VIOLATION 4 OF 4  
 Assessment Date 12-4-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to pass all surface drainage from disturbed areas through a sedimentation facility before leaving the permit area.

Date of termination: 8-5-87

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>4</u>	<u>N/A</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>N/A</u>
Extent of Damage	<u>0</u>	<u>N/A</u>
(b) Hindrance to Enforcement	<u>          </u>	<u>N/A</u>
(3) Negligence	<u>12</u>	<u>N/A</u>
(4) Good Faith	<u>0</u>	<u>N/A</u>
 TOTAL	 <u>36</u>	 <u>N/A</u>
	TOTAL ASSESSED FINE	\$ <u>          </u>

3. Narrative:

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

The violation is vacated for the reason that the flow bypassing the inlet was greater than the design event.