



0022

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 23, 1987

CERTIFIED RETURN RECEIPT REQUESTED
P 001 770 774

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

Dear Ms. Semborski:

Re: Finalized Assessment for State Violation No. N87-9-5-1,
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 # N87-9-5-1
 PERMIT # ACT/007/011 VIOLATION 1 OF 1
 Assessment Date 12-4-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to stabilize and protect all surface areas affected by the coal mining operation to control erosion and with pollution.
Failure to conduct mining activity in accordance with the approved permit.

Date of termination: 8-17-87

	<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>20</u>	<u>20</u>
Extent of Damage	<u>8</u>	<u>2</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>10</u>	<u>5</u>
(4) Good Faith	<u>0</u>	<u>-18</u>
 TOTAL	 <u>42</u>	 <u>13</u>
	TOTAL ASSESSED FINE	<u>\$ 130.</u>

3. Narrative:

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

Damage points reduced since harm more limited and speculative than previously assessed. Negligence reduced to reflect the necessity of the operator's action, but upheld to reflect that a telephone notification to the Division and damage mitigation would have avoided the issuance of the NOV.