



0030

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining



File

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

June 10, 1987

CERTIFIED RETURN RECEIPT REQUESTED
P 001 771 297

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

Dear Ms. Semborski:

Re: Finalized Assessment for State Violation No. N87-9-2-1,
M86-9-13-1, 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 # N86-9-13-1
 PERMIT # ACT/007/011 VIOLATION 1 OF 1
 Reassessment Date 6-4-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to maintain a support facility; Failure to prevent additional contributions of suspended solids to stream flow outside the permit area

Date of termination: _____

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>3</u>	<u>3</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>16</u>	<u>16</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>0</u>	<u>0</u>
(4) Good Faith	<u>- 15</u>	<u>- 15</u>
TOTAL	<u>24</u>	<u>24</u>
	TOTAL ASSESSED FINE	<u>\$ 280.</u>

3. Narrative:

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

This is a reassessment and is issued solely for the purpose of clarifying that this violation is not a result of operator negligence and therefore will not be the basis for a pattern of violations.

0448Q

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N87-9-2-1
 PERMIT # ACT/007/011 VIOLATION 1 OF 1
 Assessment Date _____ Assessment Officer Barbara W. Roberts

Nature of violation: Failure to prevent to extent possible additional contribution of sediment streamflow; failure to divert so as to not cause additional erosion; failure to comply with terms and conditions of permit.

Date of termination: 3-26-87

	<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>2</u>
Extent of Damage	<u>8</u>	<u>1</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>8</u>	<u>4</u>
(4) Good Faith	<u>- 8</u>	<u>-8</u>
TOTAL	<u>32</u>	<u>3</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.)

Visual evidence indicates that some runoff was bypassing the ditch and passing on down the road. The ditch was designed and constructed to prevent runoff from the upper disturbed area from entering directly into the stream channel. Therefore, the portion of N87-9-2-1 focusing upon the bypassing of the sediment pond is affirmed. The portion of the NOV addressing erosion is dismissed. The probability of sediment reaching the stream channel as a result of this violation is insignificant, as is the extent of damage. Circumstances of ice buildup with no previous problem at this specific area results in a reduction in negligence points. The penalty is discretionary and none is assessed.

RECEIVED
JUN 10 1987

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

DIVISION OF
OIL, GAS & MINING

COMPANY/MINE General Coal Co. NOV # 87-4-1-1
PERMIT # ACT/015/032 VIOLATION 1 OF 1
Assessment Date 6/8/87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to mine in accordance with an approved permit; failure to comply with the groundwater monitoring plan approved by the Division.

Date of termination: _____

	Proposed Assessment	Final Assessment
(1) History/Prev. Vio.	<u>25</u>	<u>NA</u>
(2) Seriousness		
(a) Probability of Occurrence	_____	_____
Extent of Damage	_____	_____
(b) Hindrance to Enforcement	<u>13</u>	<u>NA</u>
(3) Negligence	<u>23</u>	<u>NA</u>
(4) Good Faith	<u>0</u>	_____
TOTAL	<u>61</u>	<u>NA</u>
TOTAL ASSESSED FINE		\$ <u>NA</u>

3. Narrative:

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

This matter is vacated for the reason that the operator had extensions granted to him by the Division had granted extensions to an additional amount of time within which to drill the water monitoring well.