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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

February 4, 1987

CERTIFIED RETURN RECEIPT REQUESTED
P 001 771 321

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

Dear Ms. Semborski:

Re: Finalized Assessment for State Violation No. N86-9-12-1
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 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 and mail % Jan Brown at the address listed above.

Thank you for your cooperation.

Sincerely,

Barbara W. Roberts
Assessment Conference Officer

re

cc: Donna Griffin, OSM Albuquerque Field Office
0450Q

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N86-9-12-1
 PERMIT # ACT/007/011 VIOLATION 1 OF 1
 Assessment Date 2-2-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to maintain a support facility in a manner which prevents additional contributions of suspended solids to streamflow outside the permit area.

Date of termination: 11-14-86

	<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>14</u>
Extent of Damage	<u>12</u>	<u>2</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>5</u>	<u>1</u>
(4) Good Faith	<u>- 10</u>	<u>- 10</u>
 TOTAL	 <u>30</u>	 <u>10</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.)

No evidence of event having actually occurred, but very likely to have occurred. The receiving stream is entirely owned and impounded by U. S. Fuel, therefore damage to the public or environment is very low. U. S. Fuel pressurizes this pipe at least annually to "blow" any weak spots. There is no external evidence of weakness to alert one who inspects the pipe. Frequency of inspections to detect a leak should be increased. Penalty is discretionary and none is assessed.

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