



0031

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

April 8, 1988

CERTIFIED RETURN RECEIPT REQUESTED  
P 001 717 870

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

Dear Mr. Semborski:

Re: Finalized Assessment for State Violation No. N87-9-16-1,  
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,

*Vicki Bailey for*  
Barbara W. Roberts  
Assessment Conference Officer

re  
cc: John C. Kathmann, DSM AFO

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

COMPANY/MINE U. S. Fuel/Hiawatha                      NOV # N87-9-16-1  
 PERMIT # ACT/007/011                                      VIOLATION 1 OF 1  
 Assessment Date 3-16-88                      Assessment Officer \_\_\_\_\_

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

Date of termination: 12-17-87

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>5</u>	<u>3</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>2</u>
Extent of Damage	<u>12</u>	<u>2</u>
(b) Hindrance to Enforcement	<u>-</u>	<u>          </u>
(3) Negligence	<u>24</u>	<u>5</u>
(4) Good Faith	<u>0</u>	<u>-5</u>
TOTAL	<u>59</u>	<u>7</u>
	TOTAL ASSESSED FINE	<u>\$ 0</u>

3. Narrative:

History points reduced to correct an error in the proposed assessment. The probability of occurrence of sediment loading or erosion during frozen soil conditions is insignificant. Actual or potential damage to the area as a result of the pipe break under the frozen conditions is minimal. The reason this NOV was written was for failure to maintain a proper grade on the road adjacent to the subject water pipeline. The operator graded the road properly but, since the road is public, the County routinely regrades the road with the opposite slope as is required by the Division. The road was frozen when the County's efforts were discovered. Negligence points are maintained to reflect the operator's general knowledge of the County's grading efforts and it's duty to correct the grade. In the alternative, the operator is free to arrange with the County to leave the road grade as requested by the Division. Good faith awarded for an easy, rapid abatement of the NOV. The civil penalty is discretionary and none is assessed