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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

January 11, 1988

CERTIFIED RETURN RECEIPT REQUESTED
P 001 717 777

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

Dear Ms. Semborski:

Re: Finalized Assessment for State Violation No. N87-9-10-2,
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
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 # N87-9-10-2
 PERMIT # ACT/007/011 VIOLATION 1 OF 2
 Assessment Date 12-30-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to notify the Division within 5 days after receiving the results indicating an NPDES permit effluent limitation noncompliance had occurred.

Date of termination: 10-2-87

	<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>-</u>	<u>-</u>
Extent of Damage	<u>-</u>	<u>-</u>
(b) Hindrance to Enforcement	<u>17</u>	<u>17</u>
(3) Negligence	<u>5</u>	<u>5</u>
(4) Good Faith	<u>0</u>	<u>- 0</u>
 TOTAL	 <u>25</u>	 <u>25</u>
	TOTAL ASSESSED FINE	<u>\$ 300</u>

3. Narrative:

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

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

COMPANY/MINE U. S. Fuel/Hiawatha NOV # N87-9-10-2
 PERMIT # ACT/007/011 VIOLATION 2 OF 2
 Assessment Date 12-30-87 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to divert runoff using protected channels or pipes through disturbed areas so as to cause additional erosion.

Date of termination: 10-31-87

	<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>12</u>	<u>8</u>
(b) Hindrance to Enforcement	<u>-</u>	<u>-</u>
(3) Negligence	<u>10</u>	<u>6</u>
(4) Good Faith	<u>0</u>	<u>-11</u>
 TOTAL	 <u>45</u>	 <u></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.)

This Nov was issued as a result of gullying primarily occurring during a major storm event which may have been in excess of the design event. The NOV is upheld on the basis that operator maintenance may have averted the erosion. Negligence and damage points reduced to reflect evidence submitted by the operator. Good Faith awarded for the difficult and extensive mitigation of the existing situation. The penalty is discretionary and none is assessed.

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