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Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

May 3, 1989

CERTIFIED RETURN RECEIPT REQUESTED  
P 001 717 853

Ms. Jean Semborski  
U.S. Fuel Company  
P.O. Box A  
Hiawatha, Utah 84527

Dear Ms. Semborski:

Re: Finalized Assessment for State Violation No. N89-28-2-1, 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 c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

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

jb  
cc: John C. Kathmann, OSM, AFO  
MN37/13

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

COMPANY/MINE U.S. Fuel Company

NOV # N89-28-2-1

PERMIT # ACT/007/011

VIOLATION 1 OF 1

Assessment Date 5/3/89

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to maintain a support facility in a manner which 1) prevents additional contribution of suspended solids to runoff or streamflow outside the permit area and 2) minimize erosion to the extent possible.

Date of Termination: 3/14/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>3</u>	<u>3</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>5</u>	<u>5</u>
(b) Hindrance to Enforcement	<u>          </u>	<u>          </u>
(3) Negligence	<u>0</u>	<u>0</u>
(4) Good Faith	<u>- 0</u>	<u>-15</u>
TOTAL	<u>28</u>	<u>13</u>
TOTAL ASSESSED FINE		<u>\$ 130.00</u>

3. Narrative:

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

Except for the allowance of good faith points, the assessment remains the same. I have evaluated the evidence and the cited rules and find that the operator, although using best efforts to repair the broken line, has not availed itself of the "best technology currently available" to prevent erosion and contributions to offsite runoff. Simply continuing to repair leaks is not sufficient to be considered "best technology currently available" for purposes of compliance with the rules cited.

Good faith points awarded for rapid compliance with a difficult abatement.