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# 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

March 31, 1989

CERTIFIED RETURN RECEIPT REQUESTED  
P 001 717 838

Mr. Bob Eccli  
U.S. Fuel Company  
Hiawatha, Utah 84527

Dear Mr. Eccli:

Re: Finalized Assessment for State Violation No. N88-28-8-1,  
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,

A handwritten signature in cursive script, appearing to read 'Alan S. Bachman'.

Alan S. Bachman  
Assessment Conference Officer

jb  
cc: John C. Kathmann, OSM, AFO  
MN37/10

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

COMPANY/MINE U.S. Fuel Company

NOV # N88-28-8-1

PERMIT # ACT/007/011

VIOLATION 1 OF 1

Assessment Date 11/28/88

Assessment Officer Alan S. Bachman

Nature of Violation: Oil spill off embankment (needs a berm on top of embankment).

Date of Termination: 12/9/88

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>4</u>	<u>4</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>10</u>
Extent of Damage	<u>8</u>	<u>4</u>
(b) Hindrance to Enforcement	<u>-</u>	<u>-</u>
(3) Negligence	<u>18</u>	<u>16</u>
(4) Good Faith	<u>- 0</u>	<u>- 5</u>
TOTAL	<u>50</u>	<u>29</u>
TOTAL ASSESSED FINE		<u>\$ 380.00</u>

3. Narrative:

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

Probability of occurrence was lowered because the event (water pollution) did not occur. This was agreed to by the inspector at the conference.

Additionally, it was agreed to, at the conference, that the drainage from the subject area does report to a sediment pond. Therefore, extent of damage was also lowered.

Negligence was reduced slightly as well.

Good faith points were added as the evidence indicated that off-site soil and equipment was necessary, and the abatement was therefore difficult. The abatement occurred fairly fast under the "difficult" standard. In fact, the operator did comply before the abatement date.