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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

file

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April 17, 1991

CERTIFIED RETURN RECEIPT REQUESTED
P 074 979 058

Mr. Robert Eccli, Senior Engineer
U.S Fuel Company
P.O. Box A
Hiawatha, Utah 84527

Dear Mr. Eccli:

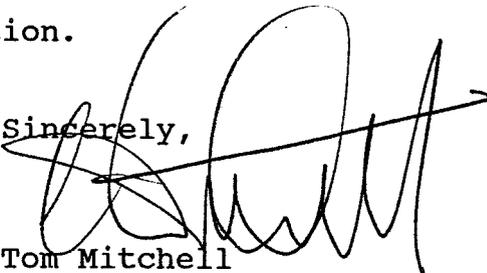
Re: Finalized Assessment for State Violation #N90-28-8-2, U.S. Fuel Company, Hiawatha Complex, ACT/007/011, Folder #5, Carbon County, Utah

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 escrow 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,

Tom Mitchell
Assessment Conference Officer

jbe
Enclosure
cc: John C. Kathmann, OSM, AFO

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

COMPANY/MINE U.S. Fuel Co/Hiawatha Complex NOV #N90-28-8-2

PERMIT # ACT/007/011 VIOLATION 1 of 2

Assessment Date 04/16/91 Assessment Officer Tom Mitchell

Nature of
Violation: Offsite sediment loading resulting from one of two
breaks in the Mohrland Water Supply Line.

Date of Termination: 12/24/90

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>1</u>	<u>1</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>8</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>-0</u>	<u>-12</u>
Total Points	<u>37</u>	<u>17</u>
TOTAL ASSESSED FINE		<u>\$ 170.00</u>

NARRATIVE:

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

Information presented at the assessment conference revealed that of the two leaks, one of them did report to a catch basis, resulting in no offsite deposition of suspended solids. The other pipeline leak did result in offsite deposition of suspended solids with no damage occurring as a result of the leak in the water supply line. Thus, the extent of damage is reduced to 0. Good faith point are awarded at 12 in view of the immediate compliance measures taken by the permittee to abate the violation.

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

COMPANY/MINE U.S. Fuel Co/Hiawatha Complex NOV #N90-28-8-2

PERMIT # ACT/007/011 VIOLATION 2 of 2

Assessment Date 04/16/91 Assessment Officer Tom Mitchell

Nature of Violation: Unauthorized mining related activities (reinstatement of existing road to sediment pond).

Date of Termination: 02/05/91

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>1</u>	<u>1</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>12</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>10</u>	<u>5</u>
(4) Good Faith	<u>-0</u>	<u>-10</u>
Total Points	<u>43</u>	<u>16</u>
TOTAL ASSESSED FINE		<u>\$ 160.00</u>

NARRATIVE:

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

Information provided at the assessment conference revealed the following: The road used by the permittee to gain access to the sediment pond for periodic cleanout was an existing road. However, the permittee had failed to include the access road in the approved mining and reclamation plan, as well as, identify it on the surface facilities map. Diligence was exercised in abating the violation.