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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

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

July 21, 1992

CERTIFIED RETURN RECEIPT REQUESTED
P 074 979 268

Mr. Bob Eccli
U.S. Fuel Company
P.O. Box A
Hiawatha, Utah 84527

Dear Mr.  Eccli:

Re: Finalized Assessment for State Violation #N92-41-1-1, U.S. Fuel Company, Hiawatha Mines, 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,



Ronald W. Daniels
Assessment Conference Officer

jbe
Enclosure
cc: Bernie Freeman, OSM, AFO
an equal opportunity employer

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

COMPANY/MINE US Fuel Company/Hiawatha Mines

NOV #N92-41-1-1

PERMIT # ACT/007/011

VIOLATION 1 of 1

Assessment Date 7/21/92

Assessment Officer Ronald W. Daniels

Nature of Violation:

Failure to follow the approved plan for sediment control. Failure to prevent additional contributions of sediment and solids to streamflow and runoff outside the permit area.

Date of Termination: 5/12/92 effective 4/21/92

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>2</u>	<u>2</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>8</u>	<u>4</u>
(4) Good Faith	<u>- 5</u>	<u>- 5</u>
Total Points	<u>30</u>	<u>26</u>
TOTAL ASSESSED FINE		<u>\$ 320.00</u>

NARRATIVE:

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

Negligence is maintained within the ordinary category, but points are reduced. Although the perimeter markers, which form the substance of this NOV, were located down-gradient from the diversion ditch, the operator believed that they were properly located to capture disturbed area runoff and that grading was correct. The mine map was not of adequate scale to indicate local surface gradient.