0033
STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

File

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

April 10, 1984

P396 996 744
CERTIFIED RETURN RECEIPT REQUESTED

Mr. Glenn Sides
U. S. Steel Corporation
P. O. Box A E
Paonia, Colorado 81428

RE: Proposed Assessment for State
Violation No. N84-2-1-2
ACT/007/012, Folder #8
Carbon County, Utah

Dear Mr. Sides:

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violation. These violations was issued by Division Inspector Sandy Pruitt on February 24, 1984. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information, which was submitted by you or your agent within 15 days of receipt of this Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Mr. Lorin Nielson, Assessment Officer, at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will be considered for the final assessment which were not available on the date of the proposed assessment, due to the length of the abatement period.

Sincerely,

Mary Ann Wright
Assessment Officer

MAW/re

cc: J. Merriman, OSM Albuquerque Field Office

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

COMPANY/MINE U.S. Steel/Wellington Prep NOV # N84-2-1-2

PERMIT # ACT/007/012 VIOLATION 1 OF 2

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 4-9-84 EFFECTIVE ONE YEAR DATE 4-10-83

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS

1 point for each past violation, up to one year
5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 0

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Environmental harm/water pollution

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 9

PROVIDE AN EXPLANATION OF POINTS Operator's statement indicates that there was no discharge to the Price River. Inspector's statement indicates some evidence that discharge did occur: icicles at overflow point (and nowhere else) into the the Price River. The probability of events occurring is assessed at high end of unlikely since operator believes discharge did not go into river but inspector believes some did, but amount indicated would seem unlikely to cause events listed. High TSS level of potential discharge does exceed limits at 137 mg/l as do "parent" water samples at 97 and 1430 mg/l.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 10

PROVIDE AN EXPLANATION OF POINTS Damage would extend offsite. Operator believes it did not actually do so; inspector believes some offsite impact may have occurred. Duration is unknown. TSS level of possible discharge exceeded aceeptable limits at 137mg/l. Observed discharge offsite (icicles) does not indicate amount but may indicate that flow was not continual or constant. Assessed downward.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 19

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE None

ASSIGN NEGLIGENCE POINTS 0

PROVIDE AN EXPLANATION OF POINTS Ponds were known to freeze and overflow in 1982-1983 winter also, per inspectors memo. Operator showed diligence in submitting plans to DOGM in July 1983 w/an ACR response. Plans were not reviewed for approval by DOGM until February 28, 1984 as per inspector. They were then approved within four (4) days.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation
Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
Rapid Compliance -1 to -10*
(Permittee used diligence to abate the violation)
Normal Compliance 0
(Operator complied within the abatement period required)

***Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.**

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation
Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

***Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.**

EASY OR DIFFICULT ABATEMENT? Difficult ASSIGN GOOD FAITH POINTS -

PROVIDE AN EXPLANATION OF POINTS Cannot be assessed at this time since, to my knowledge, abatement has not yet occurred.

V. ASSESSMENT SUMMARY FOR _____

I. TOTAL HISTORY POINTS	0
II. TOTAL SERIOUSNESS POINTS	19
III. TOTAL NEGLIGENCE POINTS	0
IV. TOTAL GOOD FAITH POINTS	-

TOTAL ASSESSED POINTS 19

TOTAL ASSESSED FINE $190

Mary Ann Wright

ASSESSMENT DATE 4-9-84 ASSESSMENT OFFICER Mary Ann Wright

X INITIAL ASSESSMENT _____ FINAL ASSESSMENT

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

COMPANY/MINE U.S. Steel/Wellington Prep NOV # N84-2-1-2

PERMIT # ACT/007/012 VIOLATION 2 OF 2

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?
ASSESSMENT DATE 4-9-84 EFFECTIVE ONE YEAR DATE 4-10-83

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS

5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 0

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Water Pollution and loss of reclamation/revegetation potential

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 17

PROVIDE AN EXPLANATION OF POINTS As per inspector's and operator's statements, several erosion gullies developed from slurry pipeline breaks. Per inspector's statement, these gullies, containing slurry fines, drain directly into the Price River. On this information, the events are assessed as occurred. Points are set at mid-point since the degree of water pollution and amount of soil loss is difficult to determine at this time, since the event has already occurred. The amount of soil erosion was indicated to have a minor reduction in revegetation potential by the inspector.

3. Would or did the damage or impact remain within the exploration or permit area? no

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 20

PROVIDE AN EXPLANATION OF POINTS Per operator's statement, several breaks in the slurry line occurred during 1983-84 winter. Inspector could not tell duration. Assessed upward from the midpoint for content of discharge into the Price River (slurry).

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 37

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0	MID-POINT
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE No negligence

ASSIGN NEGLIGENCE POINTS 0

PROVIDE AN EXPLANATION OF POINTS Operator states that abnormal extended periods, in December and January with temperatures below zero, caused several breaks in the slurry lines. The line breaks had apparently been noted by operator and stopped since the slurry line breaks were not discharging at time of inspection. Inspector notes also that operator's plans to retain further slurry line discharges and control erosion had already been developed at time of February 24, 1984 inspection.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation
Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
Rapid Compliance -1 to -10*
(Permittee used diligence to abate the violation)
Normal Compliance 0
(Operator complied within the abatement period required)

***Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.**

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation
Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

***Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.**

EASY OR DIFFICULT ABATEMENT? difficult ASSIGN GOOD FAITH POINTS -

PROVIDE AN EXPLANATION OF POINTS Cannot be assessed at this time since, to my knowledge, abatement has not yet occurred

V. ASSESSMENT SUMMARY FOR _____

I. TOTAL HISTORY POINTS	0
II. TOTAL SERIOUSNESS POINTS	37
III. TOTAL NEGLIGENCE POINTS	0
IV. TOTAL GOOD FAITH POINTS	-

TOTAL ASSESSED POINTS 37

TOTAL ASSESSED FINE $540.00

Mary Ann Wright

ASSESSMENT DATE 4-9-84 ASSESSMENT OFFICER Mary Ann Wright

X INITIAL ASSESSMENT _____ FINAL ASSESSMENT