0014

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

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

September 8, 1983

#996 878

CERTIFIED RETURN RECEIPT REQUESTED

Mr. Allen Smith
North American Equities
1401 17th Street, Suite 124
Denver, CO. 80202

RE: Proposed Assessment
For State Violation
No. N83-5-10-1
ACT/007/021
Folder No. 8
Carbon County, Utah

Dear Mr. Smith:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the aforereferenced violation(s). The aforesaid violation(s) was issued by Division Inspector John Whitehead on the 15th of day of June, 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A written request for an assessment conference must be submitted within fifteen (15) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violaton, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) days of receipt of the finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

A petition to appeal the results of the assessment conference to the Board of Oil, Gas and Mining must be received within fifteen (15) days from the date of service of the finalized assessment along with the assessed penalty which shall be escrowed with the Division of Oil, Gas and Mining pending the outcome of the Board Hearing.

You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,

RW Daniels

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/sb

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty

ASSESSMENT WORKSHEET

NOV# N83-5-10-1

PERMIT# ACT/007/021

Name of Company North American Equities

Violation # 1 of 1

			POINTS
1. History of previous violations			3
2. Seriousness (either A or B)			
A. (1) Probability of occurrence	17		
(2) Extent of potential or actual damage	16		
B. Obstruction to enforcement	-		
Total Seriousness			33
3. Negligence			12
4. Good Faith (Will be considered after complete information is received)			-
		TOTAL POINTS	48
		ASSESSMENT	$ 920.00

Violation # - of -

			POINTS
1. History of previous violations			
2. Seriousness (either A or B)			
A. (1) Probability of occurrence			
(2) Extent of potential or actual damage			
B. Obstruction to enforcement			
Total Seriousness			
3. Negligence			
4. Good Faith (Will be considered after complete information is received)			
		TOTAL POINTS	
		ASSESSMENT	$

ASSESSMENT EXPLANATION

NOV# N83-5-10-1

PERMIT# ACT/007/021

Name of Company North American Equities

Violation # 1 of 1

History of previous violations: N81-2-9-1 effective 3/2/83 = 1 pt., N82-7-8-2 effective 3/8/83 = 2 pts. Total = 3 pts.

Seriousness: (either A or B)

A. (1) Probability of occurrence: This violation was issued for a failure to pass surface drainage through a treatment facilities. Water pollution is considered to have occurred. 17 pts.

(2) Extent of actual or potential damage: Damage left the permit area. 16 pts.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE Notice was given to the operator of a potential problem before this violation was issued. (11/10/82 memo) 12 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED