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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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March 1, 1991

CERTIFIED RETURN RECEIPT REQUESTED
P 074 979 023

Mr. Adam S. Affleck
North American Equities, Ltd.
C/O Holme, Roberts & Owen
50 South Main, Suite 900
Salt Lake City, Utah 84144

Dear Mr. Affleck:

Re: Finalized Assessment for State Violation #N90-13-3-1, North American Equities, Ltd., Blazon #1 Mine, INA/007/0214 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,

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

Alan S. Bachman
Assessment Conference Officer

jbe

Enclosure

cc: John C. Kathmann, OSM, AFO

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

COMPANY/MINE North American Equities/Blazon #1 NOV #N90-13-3-1

PERMIT # INA/007/021 VIOLATION 1 of 1

Assessment Date 03/01/91 Assessment Officer Alan S. Bachman

Nature of Violation: Failure to include cut slopes of mine access road and detail reclamation treatments to determine compliance.

Date of Termination: 11/16/90

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>6</u>	<u>6</u>
(2) Seriousness		
(a) Probability of Occurrence	<u> </u>	<u> </u>
Extent of Damage	<u> </u>	<u> </u>
(b) Hindrance to Enforcement	<u>12</u>	<u>8</u>
(3) Negligence	<u>8</u>	<u>6</u>
(4) Good Faith	<u>-0</u>	<u>-15</u>
Total Points	<u>26</u>	<u>5</u>
TOTAL ASSESSED FINE		<u>\$ 50.00</u>

NARRATIVE:

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

At the time of the assessment conference, the Division conceded that the second aspect of the NOV, about detailing reclamation treatments, should not have been part of the NOV. At the time, this was part of the "Otani appeal". This affected the points given for hindrance and negligence. Additionally, on the first issue, the failure to include slopes of the mine access road in the disturbed area boundary, it was determined that there was good faith rapid compliance in a situation where off-site resources were needed to accomplish compliance. The 15 good faith points reflect this rapid compliance of a difficult abatement situation. It should be noted that the issuance of the proposed assessment specifically indicated that this good faith issue was to be evaluated upon termination. The hiring of expert services and subsequent submittal, which were done to comply with including the access road, was done expeditiously.