

0013



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter  
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

March 1, 1991

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 979 020

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 #N90-17-2-2/1 of 2,  
North American Equities, Ltd., Blazon #1 Mine, INA/007/021,  
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,

Alan S. Bachman  
Assessment Conference Officer

jbe  
Enclosure  
cc: John C. Kathmann, OSM, AFO  
A:\FAL

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

COMPANY/MINE North American Equities/Blazon #1 NOV #N90-17-2-2

PERMIT # INA/007/021 VIOLATION 1 of 2

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

Nature of

Violation: Sediment build-up at fences and bales caused subsequent sediment loading at Mud Creek.

Date of Termination: 08/30/90

	<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>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>12</u>	<u>4</u>
(4) Good Faith	<u>-0</u>	<u>-0</u>
Total Points	<u>46</u>	<u>30</u>
TOTAL ASSESSED FINE		<u>\$ 200.00*</u>

**NARRATIVE:**

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

This violation occurred mainly due to North American Equities not having a local maintenance worker to check on the silt fences, straw bales and other maintenance items on the site. Nevertheless, at the hearing there was insufficient evidence to show any damage to Mud Creek. The negligence points were reduced as the severity of the situation was not as great as thought at the time of the proposed assessment. The fine has been reduced by half, to properly reflect the severity of the NOV.

\*Fine reduced from \$400 to \$200  
jbe  
INA/007/021



# 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

March 1, 1991

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 979 020

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 #N90-17-2-2/2 of 2,  
North American Equities, Ltd., Blazon #1 Mine, INA/007/021,  
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,

Alan S. Bachman  
Assessment Conference Officer

jbe  
Enclosure  
cc: John C. Kathmann, OSM, AFO  
A:\FAL

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

COMPANY/MINE North American Equities/Blazon #1 NOV #N90-17-2-2

PERMIT # INA/007/021 VIOLATION 2 of 2

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

Nature of  
Violation: Plugged culvert

Date of Termination: 08/30/90

	<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>5</u>	<u>4</u>
Extent of Damage	<u>8</u>	<u>2</u>
(b) Hindrance to Enforcement	<u>      </u>	<u>      </u>
(3) Negligence	<u>12</u>	<u>10</u>
(4) Good Faith	<u>-0</u>	<u>-10</u>
Total Points	<u>31</u>	<u>12</u>
TOTAL ASSESSED FINE		\$ <u>120.00</u>

**NARRATIVE:**

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

The probability of occurrence, extent of damage, and negligence was reduced to reflect the fact that the likelihood of pollution was low and very little damage occurred. Good faith points were added as the situation achieved normal compliance through the use of off-site resources to resolve the situation.