

0003



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL, GAS, AND MINING

1588 West North Temple

Salt Lake City, Utah 84116

(801) 533-5771

CHARLES R. HENDERSON  
Chairman

CLEON B. FEIGHT  
Director

JOHN L. BELL  
C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

June 30, 1981

# 0367466  
CERTIFIED - RETURN RECEIPT REQUESTED

Mr. Brian Honey  
Western States Minerals Corp.  
P.O. Box F  
Salina, Utah 84654

ACT 10/15/002

RE: Proposed Assessment for  
State Violation No. N81-3-5-4

Dear Mr. Honey:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector Thomas L. Portle on April 17, 1981.

The Board of Oil, Gas and Mining has empowered me to act as Assessment Officer and to conduct informal conferences on violations and assessments. This assessment has been computed by me using Rule UMC/SMC 845.2 et. seq.

You may or may not request that the Division establish an assessment conference at this time. If no conference is requested by you within 30 days of your receipt of this letter the violation will be reassessed considering available facts and you will be required to pay the civil penalty as reassessed.

Should you decide to request an assessment conference you must do so in writing within 30 days of your receipt of this letter. Please specify in your request what the nature of your contest to the violation will include. For your ease in responding I have classified those contests as follows:

1. A contest of the amount of the assessment and not the fact of the violation(s) having occurred.
2. A contest of the facts of whether the violation(s) occurred.

Mr. Brian Honey  
June 30, 1981  
Page Two

This classification has been made to enable the Division time to arrange for a court reporter to establish a record of the proceedings in contests of the facts of a violation.

My decision resulting from the assessment conference may be appealed to the Board in a more formal proceeding.

Sincerely,

  
RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

RWD/te



## ASSESSMENT WORKSHEET

NOV# N81-3-5-4PERMIT# ACT/015/002Name of Company Western States MineralsViolation # 1 of 4

	<u>POINTS</u>
1. History of previous violations	<u>-</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>12</u>
(2) Extent of potential or actual damage	<u>4</u>
B. Obstruction to enforcement	<u>-</u>
Total Seriousness	<u>16</u>
3. Negligence	<u>8</u>
4. Good Faith (Will be considered after complete information is received)	<u>-5</u>

TOTAL POINTS 19ASSESSMENT \$ 190.00Violation # 2 of 4

	<u>POINTS</u>
1. History of previous violations	<u>-</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>12</u>
(2) Extent of potential or actual damage	<u>4</u>
B. Obstruction to enforcement	<u>-</u>
Total Seriousness	<u>16</u>
3. Negligence	<u>23</u>
4. Good Faith (Will be considered after complete information is received)	<u>-10</u>

TOTAL POINTS 29ASSESSMENT \$ 380.00

## ASSESSMENT WORKSHEET

NOV# N81-3-5-4PERMIT# ACT/015/002Name of Company Western States MineralsViolation # 3 of 4 POINTS

- |   |            |
|---|------------|
| 1. History of previous violations   | -          |
| 2. Seriousness (either A or B)  |            |
| A. (1) Probability of occurrence  | <u>12</u>  |
| (2) Extent of potential or actual damage                                  | <u>16</u>  |
| B. Obstruction to enforcement   | <u>-</u>   |
| Total Seriousness   | <u>28</u>  |
| 3. Negligence   | <u>12</u>  |
| 4. Good Faith (Will be considered after complete information is received) | <u>-10</u> |

TOTAL POINTS 30ASSESSMENT \$ 400.00Violation # 4 of 4 POINTS

- |   |           |
|---|-----------|
| 1. History of previous violations   | -         |
| 2. Seriousness (either A or B)  |           |
| A. (1) Probability of occurrence  | <u>12</u> |
| (2) Extent of potential or actual damage                                  | <u>4</u>  |
| B. Obstruction to enforcement   | <u>-</u>  |
| Total Seriousness   | <u>16</u> |
| 3. Negligence   | <u>23</u> |
| 4. Good Faith (Will be considered after complete information is received) | <u>-5</u> |

TOTAL POINTS 34ASSESSMENT \$ 480.00

ASSESSMENT EXPLANATION

NOV# N81-3-5-4

PERMIT# ACT/015/002

Name of Company Western States Minerals

Violation # 1 of 4

History of previous violations: None

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to post topsoil marker on topsoil/vegetative support material stockpile is deemed likely to result in a loss of revegetation potential and a delay in revegetation. 12 points.

(2) Extent of actual or potential damage:

Damage would remain within the permit area. 4 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: ~~WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED~~

-5 points.

ASSESSMENT EXPLANATION

NOV# N81-3-5-4

PERMIT# ACT/015/002

Name of Company Western States Minerals

Violation # 2 of 4

History of previous violations: None

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to protect topsoil from unnecessary compaction and contamination, is deemed likely to result in a decrease in the re-vegetation potential of the stockpiled material. 12 points.

(2) Extent of actual or potential damage:

Damage would not leave the permit area. 4 points.

B. Obstruction to enforcement:

Negligence: ~~ORDINARY NEGLIGENCE~~

Knowing conduct. 23 points.

Good Faith: ~~WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED~~

-10 points.

ASSESSMENT EXPLANATION

NOV# N81-3-5-4

PERMIT# ACT/015/002

Name of Company Western States Minerals

Violation # 3 of 4

History of previous violations: None

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to establish a vegetative cover or seed the topsoil/ plant supportive material stockpiles is deemed likely to result in wind and water erosion of the pile and a reduction in the mine's potential for revegetation. 12 points.

(2) Extent of actual or potential damage:

Damage would extend off the permit area by wind erosion. 16 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

12 points.

Good Faith: ~~WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED~~

-10 points.

ASSESSMENT EXPLANATION

NOV# N81-3-5-4

PERMIT# ACT/015/002

Name of Company Western States Minerals

Violation # 4 of 4

History of previous violations: None

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to convey surface water properly is deemed likely to result in the event erosion to occur. 12 points.

(2) Extent of actual or potential damage:

Damage would not leave the permit area. 4 points.

B. Obstruction to enforcement:

Negligence: ~~ORDINARY NEGLIGENCE~~

Knowing conduct. 23 points.

Good Faith: ~~WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED~~

-5 points.